



# REPORT

OF THE

MOTOR VEHICLES INSURANCE  
COMMITTEE 1962-63

SEPTEMBER 1963

GOVERNMENT OF INDIA  
MINISTRY OF TRANSPORT  
NEW DELHI

## C O N T E N T S

	Page
<b>Chapter I</b> <b>Introductory</b> ..      ..      ..	1
<b>Chapter II</b> <b>Recent developments in other countries</b> ..	4
<b>Chapter III</b> <b>Road accidents statistics</b> ..      ..      ..	8
<b>Chapter IV</b> <b>Third party victims</b> ..      ..      ..	17
<b>Chapter V</b> <b>Compulsory insurance of transport vehicles</b> ..	32
<b>Chapter VI</b> <b>Damage to third party property</b> ..      ..	37
<b>Chapter VII</b> <b>Claims tribunals</b> ..      ..      ..	40
<b>Chapter VIII</b> <b>Miscellaneous</b> ..      ..      ..	43
<b>Chapter IX</b> <b>Summary of main conclusions, recommendations and acknowledgements</b> ..      ..      ..	58
<b>NOTE OF DISSENT</b> ..      ..      ..	64
<b>APPENDICES</b> ..      ..      ..	67



## CHAPTER I

### INTRODUCTORY

*Motor Vehicles Insurance Committee 1936-37*—The Indian Motor Vehicles Act, 1914 (VIII of 1914), which was replaced by the Motor Vehicles Act, 1939 (Act IV of 1939), contained no provisions relating to insurance of motor vehicles or compensation payable to victims of road accidents. The existing provisions of Act IV of 1939 are mostly based on the recommendations of a committee set up by the Government of India in 1936.

2. This committee had been set up by reason of the increase in the incidence of deaths and injuries in road accidents with the growth of motor transport. Its object was to examine the question of enforcing compulsory insurance of motor vehicles against passenger and third party risks as a means of promoting public safety and convenience.

3. The committee, which submitted its report on 7-9-37, observed that in 1935 there were 1,43,515 vehicles and 1,334 persons were killed and 10,305 injured in road accidents in the country; this worked out to an average of 93 deaths and 718 persons injured per 10,000 vehicles. The committee noticed further that the reporting of accidents was defective and therefore felt that the number of persons killed and injured were understated; their assumption was that the rate of automobile deaths per 10,000 vehicles in India was over 100 in 1935. In these circumstances, they had no hesitation in recommending that insurance against third party risks should be made compulsory. They were, however, of the view that there was no need to make the insurance of drivers and attendants compulsory, since the number of cases in which they were involved was small, and in most cases, if a man could afford to maintain a driver, he could pay the compensation. The committee did not consider that the time had yet come for making insurance of damage to property compulsory.

4. *Introduction of compulsory insurance*—Chapter VIII of the Motor Vehicles Act, 1939, which incorporates the provisions for insurance against third party risks on the lines suggested by the Committee came into force on 1st July 1946. Section 94 of the Act prohibits the use in a public place of a motor vehicle which is not insured against risk of second and third party injury or death, unless it belongs to the Govt. Section 95 of the Act indicates the requirements of policies of insurance and the limits of the liability. Section 96 states that it is the duty of an insurer to satisfy judgments against a person insured in respect of third party risks as if he were the judgment-debtor. Section 97, 99, 101 & 102 make it clear that the claims of third parties or the liability of the insurer will not be affected by the insolvency or death of the insured or by any settlement between him and the insurer. Section 98 requires owners of vehicles to give information as to insurance, on demand by any person who desires to prefer a claim. Section 103 prescribes the effect of a certificate of insurance; Sections 106 & 104, the duty of any person in charge of a vehicle to produce the certificate when so required by the competent authority and to surrender it on its cancellation; Section

105, the duty of insurer to notify the authority who has registered a vehicle if its policy is cancelled or suspended; and Section 109, the duty of police authorities to furnish particulars of vehicle involved in an accident to its insurer and to any person preferring a claim arising out of the accident. Section 108 lays down the rights and responsibilities of cooperative insurance societies. Under Section 110, State Governments could appoint persons to investigate and report on motor accidents; and under Section 111 the Central Govt. could make rules for the purpose of carrying the above provisions into effect. Since the introduction of the compulsory insurance scheme required elaborate preparations including the framing of rules and procedures and the drawing up of forms etc., 1st of July, 1943 had been prescribed, in the first instance, as the date on which the above provisions were to come into force. Later, however, the Transport Advisory Council recommended the postponement of the operation of Chapter VIII till the 1st of July, 1946, in view of the abnormal conditions that prevailed during the period of the war.

5. *Charges made in 1956*—The Motor Vehicles (Amendment) Act (100 of 1958) made a few additions and changes in Chapter VIII, the important ones being the following—

- (i) Section 95-A, provides for the validity of policies of insurance issued in reciprocating countries.
- (ii) Exemption from compulsory insurance is available only to Govt. vehicles which are unconnected with any commercial enterprise. However, a State Transport Undertaking or a commercial enterprise of the Government, which has established its own insurance fund will be exempted from the necessity to insure [Section 94(2) & (3)].
- (iii) Liability arising under the Workmen's Compensation Act, 1923, will be covered by the compulsory policy prescribed under the Motor Vehicles Act, but the liability will be restricted to 6 employees carried in a vehicle [Section 95(1) & (2)].
- (iv) A cover note is brought within the definition of a certificate of insurance; but an insurance company shall notify to the prescribed authority whenever a cover note issued by it is not followed by a regular policy [Section 95(4)].
- (v) The State Governments have powers to appoint Motor Accident Claims Tribunals to determine and award compensation in cases involving death or personal injury in motor vehicle accidents. The purpose is to avoid procedural delays and secure prompt relief, where due under law. Sections 110 and 110A to 110F, which have been substituted for the older provision for mere investigation and report, deal with the functions and powers of a Tribunal, appeals to High Court against its award, recovery of the amount awarded from the insurer and bar on the jurisdiction of civil courts where a Tribunal has been constituted.

6. *Appointment of the Second Motor Vehicles Insurance Committee*—There has been a general feeling for some time past that the

existing provisions regarding compulsory insurance, which were evolved when there were less than 1,50,000 vehicles on the road in undivided India, are not adequate to deal with the rising toll of accidents. The volume of traffic has expanded phenomenally in recent years and it is expected that there will be over 1 million vehicles on the road in 1965-66. In the context of this rapid development of motor transport, and the representations received from time to time about the difficulties experienced by the public and the insurers, the Government of India appointed a second committee on the 24th May, 1962 to go into the whole matter.

7. The following are the terms of reference of the committee—
  - (1) To survey and report how far the existing provisions relating to compensation, third party insurance and Claims Tribunals serve the purpose for which they were meant.
  - (2) To examine and report on the following specific suggestions—
    - (a) Extension of time limit for filing applications before the Claims Tribunals.
    - (b) Increase of amounts for which third party insurance policies should be taken.
    - (c) Making it incumbent upon the insurer to pay a third party claimant a certain minimum sum of money, depending upon the nature of the loss sustained and indicating such minimum.
    - (d) Prescribing the minimum compensation payable for various injuries.
    - (e) Making the insurer a party in compensation proceedings before Claims Tribunals.
    - (f) Authorising Claims Brokers to contest claims on behalf of aggrieved parties before Claims Tribunals.
    - (g) *Suo moto* action by Claims Tribunals.
  - (3) To make any other recommendations germane to the above subjects.

The Resolution of the Government of India appointing the Committee and containing the above terms of reference is given in Appendices to this report.

8. At its first meeting on the 27th June, 1962, the committee prepared separate questionnaires for (a) State Governments, (b) insurance companies/associations and (c) road safety associations/transport operators and the general public. Copies of the questionnaires issued by the Department of Transport on behalf of the committee are reproduced in the Appendices.

9. The committee had 10 meetings altogether to take oral evidence and also to consider the written replies received from the State Governments and various institutions, associations and individuals. Lists of persons who tendered oral evidence or sent their views in writing are given in the Appendices.

## CHAPTER II

### RECENT DEVELOPMENTS IN OTHER COUNTRIES

The report submitted by the first Motor Vehicles Insurance Committee in 1937 contains a brief account of compulsory insurance in Great Britain and other countries. The motor insurance law in many countries has undergone a number of changes since 1937. The salient features of the law in some of these countries are outlined below, since they have a bearing on the problems with which we have to deal in this country—

2. *England*—The important development in the U.K. was the formation of the Motor Insurers Bureau by the voluntary action of insurers in 1945, as a result of the recommendations of the Cassel Committee, to which we shall advert again in Chapter IV. The Motor Insurers Bureau has undertaken to compensate third party victims of motor accidents who have a valid claim for damages but are deprived of them by the absence of insurance or by the ineffective insurance of the vehicle involved. Full details of the functions of the Motor Insurers Bureau are given in the Appendices to the report.

3. *Canada*—Highway Victims Indemnity Act, incorporating a Safety Responsibility Act and Unsatisfied Judgment Fund is in force in many provinces. This law gives third parties a direct right of action against insurers after obtaining judgment, and no defence under the policy may be used up to certain minimum statutory limits. If a judgment remains unsatisfied, the third party will be able to recover upto the minimum statutory limits from the Highway Victims Indemnity Fund to which all insurers are required to contribute.

4. *New Zealand*—The articles of agreement between the insurance companies and the Crown, which provide for compensation for people killed or injured in accidents caused by unknown drivers or drivers of uninsured motor vehicles were revised on 9-11-61. Claims are, at present, limited to £ 7,500 for any one claimant and £ 75,000 for all claims arising from one accident. There is an exception in the case of a claimant who himself obtains judgment against an uninsured driver without giving proper notice to the insurance companies. In such a case the amount of any one award recoverable is limited to £ 2,000 unless the insurers are satisfied that their position has not been prejudiced.

5. The insurers' contract in New Zealand is an integral part of the annual motor vehicle licence transaction. The insurers' premium and licence fee are payable currently and both insurance contract and licence expire at the close of the licence year—the 30th June. The licence cannot, therefore, be issued unless a vehicle is insured for the entire year.

6. The Court of Appeal decision in *Marsh vs. Absolum* (1940 N.Z.L.R. 708 C.A.) is of notable importance. The court has held in this case that the driver of an insured but stolen motor vehicle is the statutory or fictional agent of the owner for the purpose of Section 70(1) of the New Zealand Transport Act, 1949. Under this provision, an insurance company nominated by the owner of a vehicle shall be deemed to have

contracted to indemnify him from liability to pay damages (inclusive of cost) on account of death or bodily injury to any person where the death or bodily injury occurs "through or in connection with the use of the motor vehicle," in New Zealand during the period for which the insurance premium has been paid. This has been taken to mean that full indemnity applies to persons killed or hurt by the thief's negligence.

7. *Queensland*—The Motor Vehicles Insurance Act, 1936-45 was amended in 1961 to provide for the appointment of a "nominal defendant" in cases of accident caused by uninsured or unidentified vehicles.

8. *France*—Till 1959 Compulsory Third Party (Motor) Insurance was applicable to passengers and goods transport only. From 1959, not merely has motor insurance been made compulsory for all motor vehicles, but a Central Bureau is also required to be set up for dealing with unsatisfactory risks, that is, those for which an insurer would wish to charge higher premiums or which he would decline. The Bureau has exclusive power in rating such risks and imposing special terms.

9. *Norway*—A new motor liability law came into force on 1st June, 1961. Formerly, the legislation placed an unlimited liability on the motor vehicle owners unless the vehicle was used without his permission, but the new Act introduces obligatory insurance directly for the benefit of the injured party, subject to certain limits. The new law also provides for the possibility of a reduction in compensation for contributory negligence.

10. *Finland*—A new traffic law became effective on the 1st January, 1960. Under this law the use of a motor vehicle carries with it the liability for injuries or damage caused to third parties, and this liability must be covered by insurance. Claims may be made against the insurer direct, and the matter may be taken to court if the insurer refuses to accept the liability. Before 1960, the owner or driver of the vehicle was freed from the liability if it could be proved that the injury or damage had not been due to defect in the vehicle or the fault of the driver, but the position is now different. The liability is absolute and the evasion of liability on the ground that the injury was not the result of any mechanical defect or of the driver's mistake is no longer possible. The law provides for contributory negligence and stipulates that if the injured person has contributed to the cause of the accident, compensation will be reduced according to the degree of culpability.

11. Insurance cover must still be unlimited, but maximum amounts are no longer specified for certain types of injury or damages, except in respect of material damage, for which the limit is M25 million. In the case of death, indemnification may be claimed not only by the widow and orphans but also by any other person dependant on the deceased. Claims for pain and suffering are also admissible unless the injury is of a minor nature.

12. *Japan*—The Automobile Liability Security Law provides among other things that any person who is a victim of a motor accident will be indemnified without going to the court. The victim may request the insurance company to pay damages to the extent of the amount of insurance in accordance with a prescribed scale. If such a request is

made, the insurance company is required to make a provisional payment on the basis of this scale. In case the insurance company has made a provisional payment accordingly and the owner of the vehicle is ultimately not found to be at fault, and, therefore, not liable for damages, or the loss has been caused through the bad faith of the injured, the insurance company can request the Government to reimburse it of the amount so paid. No claim for compensation can be pressed by the injured person after the lapse of 2 years.

13. Under Article 72 of the Automobile Security Law, the Government indemnifies the losses relating to uninsured vehicles to the prescribed extent upon the "request" of the injured, which should be made within two years of the accident. The Government's payment is reduced by the compensation received by the victim from any person who is liable to indemnify the loss under the law. For the purpose of meeting this liability, the Government is supposed to be conducting an "automobile liability security business", with contributions payable at prescribed rates by any insurance company and self-insurer.

14. A "self-insurer" should have more than 100 buses or 200 insurable vehicles other than buses and should create a special reserve for automobile liability insurance.

15. *United States*—Massachusetts was the only State where compulsory insurance was resorted to as far back as 1927. Motorists were required in this State to show evidence of liability insurance coverage as a pre-requisite for obtaining annual vehicle registration. An insurance coverage so certified must be co-terminus with the period of vehicle registration.

16. The Unsatisfied Judgment Funds of North Dakota, New Jersey, and Maryland provide for the recovery of claims caused by financially irresponsible drivers and others who, for various reasons, cannot be compelled to pay for injuries caused by their negligence. The law relating to these Funds is similar in all essential features. The Unsatisfied Claim and Judgment Fund Law in New Jersey, for instance, provides that payment will be made from the Fund only if the uninsured is at fault for the accident. A claim for property damage must exceed \$ 100.00. The maximum payable from the Fund for those accidents occurring on or after January 1, 1959, is \$ 10,000 per person injured; \$ 20,000 for two or more persons injured in one accident (subject to \$ 10,000 per person) and \$ 5,000 for property damage sustained in one accident (first \$ 100 of property damage not payable from the Fund). Victims of hit and run and stolen cars may file a Notice of intention to make a claim from the Fund, for the personal injuries suffered.

Another condition precedent to payment from the Fund is that the uninsured motorist must be unable to satisfy the claim himself. If the uninsured motorist admits his fault for the accident, he can have the claim settled and agree to repay the amount of the settlement to the State Treasury, in which case the amount of the settlement can be paid from the Fund (except for property damage claims where the first \$ 100 is not payable from the Fund). The uninsured may thus retain his driving privileges (if no other violation is on his record) as long as he keeps up with his instalment payments to the State

Treasury. If the uninsured motorist does not admit his liability for the accident or agree to the amount of the settlement, it will be necessary to obtain a judgment against him. An application can be made to the Court for payment out of the Fund if the uninsured cannot satisfy the judgment. The uninsured's licences will remain revoked until he pays the amount awarded or obtains a court order permitting him to repay it by instalments. When the uninsured pays up the full amount of the claim to the Fund, the sum deducted will then be turned over to the claimant.

Notice of intention to make claim must be filed within 90 days of the date of accident in writing or on notice form unless physically incapable of doing so. The Unsatisfied Claim and Judgment Board will process the claim and may assign it to an insurance company for investigation. Claimants should also contact uninsured to see if a settlement can be worked out for him.

17. New York Motor Vehicle Accident Indemnification Corporation was established by law for the purpose of indemnifying residents of the State of New York for bodily injuries caused by uninsured motorists in accidents occurring within the State of New York since the 1st January, 1959. All companies conducting automobile liability insurance in New York were made members of this public non-stock corporation, the management of which is vested in a six-man board of directors, representing insurance and stock-company interests. The corporation supplements the New York Compulsory Automobile Insurance Law and provides a means of recovery for persons who, through no fault of their own, suffer bodily injuries by reason of the operation of uninsured, out-of-state motor vehicles; unidentified vehicles; uninsured New York automobiles; stolen cars; insured automobiles, the insurers of which disclaim liability or deny coverage under policies which are in force (for example, automobiles operated without the consent of the owner); and unregistered automobiles. Full details of the set-up and working of this corporation are given in the Appendices.

18. The following points emerge from the above survey of motor vehicles insurance laws in other countries—

- (i) All of them have accepted the public responsibility for compensating the innocent victims of automobile accidents. Some of them e.g., Sweden had compulsory insurance and special provisions for relief in hit-and-run cases etc., even in the thirties.
- (ii) There is no uniformity in the treatment of hit-and-run cases and cases involving stolen vehicles, unauthorised use of vehicles or disclaimers by insurers, though speedy and effective relief is generally provided for.
- (iii) Relief is provided either by constituting special funds under State operation for dealing with such cases, or by industry-operated Unsatisfied Judgment Funds or by voluntary agreement between insurers and the Government.

### CHAPTER III

#### ROAD ACCIDENT STATISTICS

*Need for comprehensive statistics*—In order to appreciate the extent to which the administration of the provisions relating to compulsory insurance of motor vehicles against third party risks is effective, it is necessary to examine how many vehicles are involved in accidents every year, how many of the accidents result in injuries to third parties, what the causes of the accidents are and whether the victims of accidents in which there is no contributory negligence are duly compensated. The Committee is concerned with the causes of accidents not so much from the point of view of studying the measures that are necessary to prevent them as from the point of view of the legal liabilities that arise from them under the Motor Vehicles Act. Some further questions that require consideration are whether the current procedure for recording, analysing and interpreting accident statistics is efficient, whether there are any gaps in these statistics and whether the existing provisions of the Motor Vehicles Act need any amendment in this connection.

2. *Information available at present*—Unfortunately we have not been able to get complete statistics about the accidents in 1961 or 1962; and the information immediately available even in respect of 1960 and the earlier years is far from comprehensive. However, we have set out in the Appendices all the information that is available for one year, viz., 1960.

3. Section 89 of the Motor Vehicles Act lays down that when any person is injured as the result of an accident in which a motor vehicle is involved, the driver of the vehicle or any other person in charge of the vehicle shall give on demand by a police officer any information required by him, or, if no police officer is present, report the circumstances of the occurrence at the nearest police station, as soon as possible, and in any case within 24 hours of the occurrence. The information so collected is being entered by the police authorities in a road accident report form (vide Appendices) which has been standardised by the Government of India on the basis of a model statistical form recommended by the Committee on Unification of Statistics relating to Road and Traffic Accidents and adopted by the Advisory and Technical Committee for Communications and Transport of the League of Nations in 1937. This form is designed to cover the location of the accidents, their nature and causes.

4. *Rise in accident rate*—The trend of the accidents resulting in personal injury or death in this country shows a constant and sizable increase from year to year—

Year			No. of vehicles on the road	No. of accidents involving death or personal injury
1955	..	..	376,477	22,535
1956	..	..	425,560	23,601
1957	..	..	447,299	26,254
1958	..	..	502,482	29,426
1959	..	..	562,430	30,796
1960	..	..	604,902	32,731

The rise in the number of accidents can be accounted for by the marked increase in the number of vehicles on the road; and it may appear negligible or inconsequential in relation to the population of the country or the total length of its roads. In absolute terms, however, the numbers are alarming and require to be materially reduced. For instance, in the past six months of the current year 106 people are reported to have been killed and 2,465 injured in 8,316 accidents in the city of Calcutta alone. This dismal picture serves to show that the problem is not a mathematical one to be simplified or explained away by rating and averaging. It is a pressing human and economic problem.

5. A comparison of the numbers of the persons killed or injured with reference to the numbers of vehicles in India and in other countries in 1960 points also to the gravity of the problem in this country, since, in spite of having a very much smaller number of vehicles than most of the European countries, our accident rate is much higher:—

Country		No. of vehicles	No. of persons killed	No. of persons injured	Total
India*	..	604,902	4,491	28,240	32,731
Britain*	..	9,383,140	6,970	340,581	347,551
France**	..	6,240,000	7,698	133,611	141,309
Norway	..	542,312	310	6,181	6,491
United States	..	73,900,000	38,200	1,400,000	1,438,200

\*(Includes motor cycles, scooters, tractors etc).

\*\*(Does not include motor cycles, scooters, tractors etc. Includes only cars, buses and trucks).

The average number of persons killed is over 7 per 1,000 vehicles in India while it is less than 1 in Britain, Norway and the United States and just over 1 in France. The average number of persons injured is about 47 per 1,000 vehicles in India whereas it is 35 in Britain, about 21 in France, about 11 in Norway and about 19 in the United States. The large proportion of accidents in India is disquieting in the context of the comparatively low density of its traffic.

6. *Accident analysis*—Some of the important deductions that can be made from a broad study of the road accidents statistics in this country are that motor cars are getting involved in accidents with less frequency even though their number on the road has considerably increased during the last 8 years and that, on the other hand, accidents to heavy vehicles, viz., buses and trucks, show an upward trend. Accidents to auto-rickshaws also appear to be mounting. The rate of accidents per 100 motor cars was only 3.8 in 1960; it was 9 for goods vehicles, 15 for buses, 17 for motor cabs and 13 for auto-rickshaws. The figures for jeeps and motor cycles were 4 and 3 respectively. It appears further that it is the pedestrians who suffer most. 44% of the killed and 37% of the injured were pedestrians, while cyclists account for only 7% of the deaths and 10% of the injuries, the balance representing passengers and drivers of various types of vehicles.

7. A further scrutiny of the details of these accidents reveals that in about 32 per cent of the motor accidents, pedestrians were knocked

down while collision between motor vehicles occurred in about 23 per cent of the cases as shown below—

### MOTOR VEHICLE COLLISION

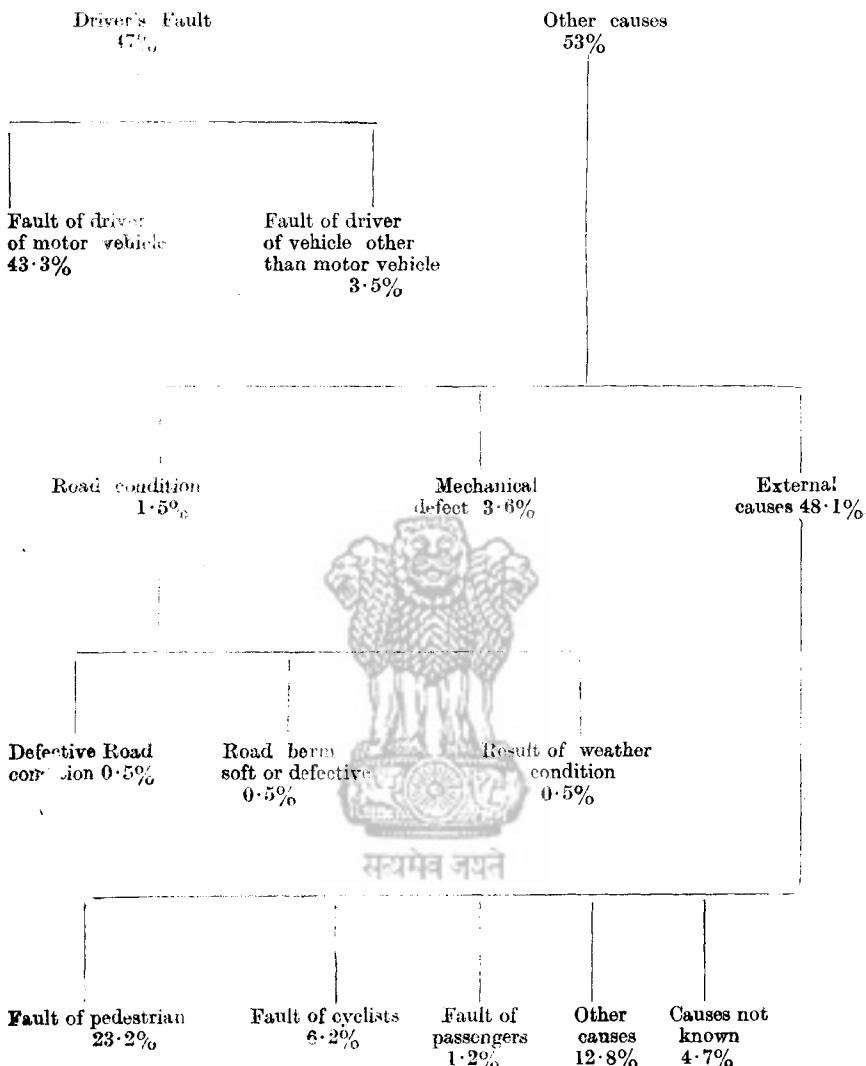
MOTOR VEHICLE COLLISION	1955	1956	1957	1958	1959	1960
(Percentages)						
Collision with other Motor Vehicles .. ..	14.1	15.1	16.1	15.4	15.0	22.6
Collision with Tram cars .. ..	0.2	0.5	0.2	0.1	0.3	0.4
Collision with cyclists ..	13.7	12.5	13.2	12.5	14.2	11.8
Collision with cycle rick-shaws or other forms of pedal tricycles ..	2.9	1.4	2.1	2.1	2.3	1.9
Collision with bullock carts .. ..	4.1	4.3	4.3	4.1	4.5	3.8
Collision with other animal drawn vehicles	2.4	2.1	2.6	3.0	3.0	2.3
Collision with rickshaw & hand carts ..	2.3	2.9	3.3	2.8	3.3	3.7
Collision with pedestrians ..	38.0	39.3	35.7	35.3	34.6	32.0
Collision with animal riders .. ..	1.0	0.6	0.8	0.9	1.1	0.8
Collision with animals loose .. ..	2.7	2.9	2.4	2.6	2.2	2.4
Collision with trees ..	1.6	1.6	1.4	1.6	1.5	1.6
Collision with trains at unregulated level crossing .. ..	0.3	0.2	0.2	0.5	0.7	0.7
Collision on level crossings	0.7	0.3	0.5	0.7	0.7	0.7
Collision with other fixed objects .. ..	3.8	4.2	4.1	4.1	3.6	4.3
Overturnings .. ..	3.5	3.6	3.4	3.8	3.4	3.1
Others .. ..	8.7	8.5	9.7	10.5	10.0	8.3
Total ..	100	100	100	100	100	100.0

Excluding Calcutta city for which figures are not immediately available.

A "directional analysis" of motor vehicle traffic accidents with a statement of deaths by "types of accidents" during the years 1933-62, in the United States is included in the Appendices. These statements show how different the patterns of traffic are in the United States and in this country; slow moving vehicles and pedestrians dominate the Indian scene and fast-moving vehicles, the traffic in the United States.

8. The lack of road sense among pedestrians might have been responsible for a good number of the accidents in this country (about 23 per cent); but our accident records point to the inference that the drivers of vehicles have also been at fault in as many as 47 per cent

of the cases. The chart below gives a summary of the causes of accidents as evident from the accident records—



9. Out of 32 per cent of the accidents in which pedestrians are involved, only 15 per cent are found to result from the errors of the motor vehicle drivers and the rest from the contributory negligence of jay-walkers. Cyclists, who are involved in about 14 per cent of the total number of accidents, are responsible for about 6 per cent of them and this is a disturbing feature.

Incidentally, the figures reported for 1962 for Delhi reveal that 134 pedestrians and 65 cyclists were killed and in all 2,422 persons were

injured in 1962. This works out to an average of 6 or 7 injured every day, a pedestrian killed every third day and a cyclist killed every fifth or sixth day. We shall be interested to watch how far his grim state of affairs improves by the vigorous drive currently undertaken by the Delhi Traffic police for clamping road-hogs and inculcating the rules of the road among the public.

10. The common weaknesses from which drivers of motor vehicles suffer are a tendency to over-speed, overtake another vehicle from the wrong side, pass a stationary one carelessly, fail to slow down in time or to show adequate consideration for other users of roads. A study of the accidents for which drivers of motor vehicles appear *prima facie* to have been responsible in 1960 provides a harsh commentary on the behaviour of the drivers, and the conditions under which they drive—

Causes			No. of accidents	Percentage
(a) Speeding ..	..	..	8,158	51.3
(b) Failed to stop ..	..	..	1,624	10.2
(c) Intoxicated ..	..	..	551	3.5
(d) Fell asleep ..	..	..	932	5.9
(e) Violated other provisions of the Motor Vehicles Act ..			4,643	29.2

11. *Compensation payment*—The impression one is likely to get from a cursory look at the figures of total amount of compensation paid every year either by adjudication or settlement, and from a comparison of the figures of the total number of accidents in which drivers are found to be at fault with the total number of cases in which compensation is paid either by adjudication or by settlement in 1960 is that all victims who deserve compensation do not get it for some reason or the other:—

Year	Total No. of persons killed or injured	Compensation paid by insurance Cos.*	Compensation paid by State Transport Undertakings**
1958 .. .. 29,426 9,49,761 ..			
1959 .. .. 30,796 8,84,887 1,02,304			
1960 .. .. 32,731 15,98,010 2,09,959			

\*(For calendar year) (\*\* for Financial year)

The compensation payments in column 3 related to 120 cases settled by civil courts and Claims Tribunals and 1,600 cases settled outside these courts and Tribunals.

12. In contrast, the amount of compensation paid in U. K. appears substantial in relation to the total number of persons injured or killed or the total number of motor vehicles—

Year	No. of motor vehicles	Total No. of persons injured or killed	Compensation paid in £
1958 .. .. 7,902,913 299,767 156,000,000			
1959 .. .. 8,604,980 333,453 180,000,000			
1960 .. .. 9,383,140 347,551 189,000,000			

13. One of the reasons why the number of cases in which compensation was actually paid is less than the number of cases in which accident reports show that the driver was in the wrong, may be that in a case involving civil liability the burden of proving that the accident resulted from the negligence of the driver depends on the victim and this burden is difficult to discharge. There may also be cases in which neither the victim of the accident nor the driver of the vehicle is at fault and, therefore, a claim for compensation is not tenable under the law. It is also probable that some of the victims are not claim-conscious or, even if they are aware of their legal rights, do not have the resources to have them enforced. Since no systematic study has been made of such cases, it is not possible to come to any categorical conclusions in the matter. We suggest that the National Road Safety Council, the establishment of which is under the Government of India's consideration, should undertake a thorough examination of this problem.

14. *Need for property damage reports*—It is obvious that only if accident data are properly collected and appraised that measures for accident prevention can be devised. A major drawback in the current form for reporting accidents in India is that it is confined to accidents resulting in personal injury. A case in which there is injury to a person may also involve damage to property, e.g., when two vehicles collide or a cyclist or the driver of a bullock-cart is knocked down; but details of the value etc., of the property damaged in such cases are not compiled and, probably, not even recorded fully. As regards accidents other than those resulting in personal injury we have no reliable data in the absence of any specific provision either in the Motor Vehicles Act or in any other Act for the compulsory communication of the particulars of the accidents. Even the number of these accidents cannot be determined with any accuracy. However, the following information received from a few States indicates the dimensions of the problems—

**NO. OF CASES IN WHICH THERE WAS ONLY PROPERTY DAMAGE**

Name of State	1959-60	1960-61	1961-62
Maharashtra .. ..	20,501	22,757	26,280
Mysore .. ..	694	725	752
Himachal Pradesh .. ..	19	15	20

Delhi reports 9,795 such cases, Orissa 665, Madhya Pradesh 1141 and Pondicherry 24, in all the three years together.

**NO. OF CASES IN WHICH THERE WAS DAMAGE TO PROPERTY AS ALSO PERSONAL INJURY**

Name of State	1959-60	1960-61	1961-62
Maharashtra .. ..	5,470	5,599	6,129
Mysore .. ..	1,471	1,630	1,627
Uttar Pradesh .. ..	781	797	848
Himachal Pradesh .. ..	28	22	21

Orissa reports 1,495 such cases. Madhya Pradesh 2,376 and Pondicherry 22 in all the three years together.

Since we are convinced that accidents resulting in third party property damage are large in number, we recommend that the recording and reporting of full particulars of all such accidents should also be made obligatory under the Motor Vehicles Act.

15. A measurement of the extent of damage done to third party property is not practicable in the absence of the necessary primary data.

The annual loss from the payment of compensation to and repair of property damaged in motor accidents in Britain has been evaluated at roughly £ 17 million in 1958, £ 19 million in 1959 and £ 19 million in 1960.

The figures of motor vehicle accidents and accident costs in 1959 and 1960 in the United States are shown in the appendices. The number of accidents in the United States in which there was only property damage was estimated in 1959 at 9,300,000 per year. Of these property damage cases 3,300,000 are believed to have involved damage of 25 dollars or more and 5,600,000 of less than 25 dollars; but it would appear that the system of accident reporting is not uniform or satisfactory even in the United States where all cases of fatal or injury accidents are required to be reported, but there is generally a dollar limit ranging from \$ 25 to \$ 100 for property damage cases. A report is not being called for in cases of damage below this limit.

16. We have suggested in CHAPTER VI that the Motor Vehicles Act should be amended to provide for the compulsory insurance of damage to third party property to the extent of Rs. 2,000. Even if compulsory insurance of third party property risk is not found feasible for any reason, full information of property damage will still be necessary since without a monetary assessment of such damage, the aggregate annual losses due to accidents and the proportion which the overall cost of the accidents bears, to the gross national product for any year, cannot be worked out. Long-range factual study of the trend of the annual losses will, in fact, be the foundation for proper planning and for legislative action.

17. *Maintenance of Accident Registers by Transport Operators*—We find in this connection that para 194 of the Motor Carrier Safety Regulations of the Inter-State Transport Commission in the United States, as amended with effect from 1st January, 1963, requires that “every motor carrier shall have in its files at its principal place of business—or at such regional office or offices as the Director of Bureau of Motor Carriers, upon application by the motor carrier, may approve—a register maintained currently and containing at least the following items of information with respect to each recordable accident—

- (1) Accident Claim number or carriers' file number.
- (2) Date and hour of accident.
- (3) Location of the accident (city or town and State).
- (4) Name of driver.
- (5) Numbers of deaths and of non-fatal injuries and amounts of damage to property, in dollars.
- (6) Nature of accident such as collision, overturn, fire, cargo damage etc.

(7) Local or intercity operation (Did you extend beyond municipal commercial Zone?)".

18. It is desirable to have a similar provision in our Motor Vehicles Act with the necessary modifications and the following additions—

- (i) Police station where the accident was reported;
- (ii) date of settlement of claim, if any; and whether settlement was made through Claims Tribunal or Civil court or out of court; and
- (iii) amount of compensation, if any, settled as payable, with details of payment.

The particulars recorded in the register should be required to be authenticated either by the insurer, if there is settlement out of court, or by the civil court/Claims Tribunal, if there is an award. The police authorities should also be asked to make a simple endorsement in the registration certificate of the vehicle to the effect that it has been involved in an accident, whenever third party injury or property damage comes to their notice. The entry in the registration certificate will be a check on the register proposed above, which will supplement it with details. Besides its usefulness for statistical purposes the register will also be of help in inspections for grant of certificate of fitness of transport vehicles and in putting people on guard against purchase of a vehicle which is not insured and in respect of which there is an unsatisfied claim. To begin with, this register may be made compulsory for transport vehicles operating on inter-State routes as in the United States, since these vehicles have longer runs over wider areas.

19. *Revision of the Accident Reporting Form*—The current Accident Reporting Form is not comprehensive and should be revised on the lines of the form evolved in the First Study Week in Traffic Engineering and Highway Safety organised by the Government of India in 1959 in Bombay, under the auspices of ECAFE (vide Appendices).

20. Some essential information, e.g., under what type of cover—Act liability or full third party or comprehensive cover—the vehicle involved was insured, is not readily available even in this form. We suggest that this additional information should be systematically collected by the Police authorities in an annexure to this form (vide Appendices).

21. The necessary registers and statistical forms should also be devised for throwing light on the following further information:—

- (i) The number of cases in which no insurance policy has been taken at all;
- (ii) number of cases in which there is no valid certificate or policy of insurance;
- (iii) number of cases in which there is no valid permit for the operation of the vehicles;
- (iv) number of hit-and-run accidents, that is, cases in which the vehicles have not been identified; and
- (v) estimate of damage to property, if any.

Information should also be gathered for finding out the trends of accidents in (i) urban and rural areas and (ii) among different age groups of drivers and victims.

22. Another useful enquiry will be regarding the amount of compensation paid by the insurance companies class-wise, under each type of cover, along with the number of claims admitted and the amount of premia collected by them. This information, which will be confined to motor vehicle insurance and can be supplied by the insurers to the National Road Safety Council as well as the Controller of Insurance in the proforma proposed for the purpose (Appendices), will make it clear whether the rates of insurance of different types of vehicles are reasonable under different schemes or there is any element of cross-subsidy.

23. *Compilation and Interpretation of Accident Statistics*—In the State of Washington in the USA, the duty of tabulation and analysis of accident reports is entrusted to the Chief of the Washington State patrol. The relevant provisions are reproduced below—

**"46.52.060—Tabulation and analysis of reports—Available for use.** It shall be the duty of the chief of the Washington state patrol to file, tabulate and analyse all accident reports and to publish annually, immediately following the close of each calendar year, and monthly during the course of the calendar year, statistical information based thereon showing the number of accidents, the location, the frequency and circumstances thereof may prove of assistance in determining the cause of vehicular accidents.

Such accident reports and analysis of reports thereof shall be available to the director of licences, the highway commission, the public service commission, or their duly authorised representatives for further tabulation and analysis for pertinent data relating to the regulation of highway traffic, highway construction, vehicle operators and all other purposes, and to publish information so derived as may be deemed of publication value."

[1961-128, 46.52.060.]

We suggest that the National Road Safety Council should be similarly vested with the statutory responsibility for not merely processing accident data through an "Accident Records Division" and coordinating any researches that are necessary but also of publishing the results of its studies. Flow of information to the Council can be ensured by requiring the Police authorities to send copies of their first Information Reports to the Council within 48 hours of the accident. Apart from facilitating the flow of information, such prompt communication will enable the Council to arrange for quick relief or legal guidance to the victims of the accident. It will also assist civil courts and Tribunals who are at present stated to be handicapped by delays in securing the contemporaneous record from the Police authorities, since they can, if necessary, utilise papers available with the National Road Safety Council.

## CHAPTER IV

### THIRD PARTY VICTIMS

The terms of our reference require that the existing provisions of the Motor Vehicles Act relating to compensation and third party insurance should be surveyed and any improvements that may be necessary from the points of view of the public, the insured and the insurer should be examined.

2. *Object of Compulsory Insurance*—Before we proceed to consider the shortcomings of the existing provisions, it is desirable, in the interests of clarity, to reiterate the object of compulsory insurance, as set out by the First Motor Vehicles Insurance Committee in 1936-37—

“The object of compulsory insurance is to secure that injured parties are not deprived of the damages due to them owing to the low financial status of the owner or driver of a motor vehicle, where negligence is the cause of the injuries. Where there is no negligence on the motorist's part, he incurs no liability; and it is unreasonable to expect any one to insure against the consequence of an act in the performance of which he, or his agent, is not to blame.”

Chapter VIII of the Motor Vehicles Act provides accordingly for a contract of indemnity between the owner of a motor vehicle and the insurer for prompt payment of compensation in the event of an accident involving injury to or death of third parties and, if it is a transport vehicle, also passengers, arising out of the use of the vehicle. The thinking behind compulsory insurance is that it is the duty of the motoring public to ensure that any one who suffers injury or death through the negligence of one of its members receives adequate compensation. Since it may be possible to arrest or reduce the incidence of such accidents but not eliminate them altogether, particularly in view of the increasing number of vehicles and the practical difficulty in ensuring that every user of the road is always on his guard or on his best behaviour, it is essential that the procedure for guaranteeing compensation should be perfected; and it is inevitable that the vehicle owners have to bear a pro rata share of any additional financial burden that it may entail.

3. The following, briefly, are the types of cases brought to our notice in which relief is not available within the framework of Chapter VIII of the Motor Vehicles Act, as it stands—

- (i) A party is injured or killed by a vehicle the owner of which has not insured it;
- (ii) There is a certificate of insurance but the insurer repudiates his liability on account of any misrepresentations made by the insured;
- (iii) the insurer becomes insolvent or is unable to satisfy his liabilities for other reasons;
- (iv) the accident is caused by an unknown vehicle; and
- (v) the accident is caused by a vehicle which is stolen.

Since our accident reporting system is not adequate we do not have full statistical data in regard to each of the above types of cases. They are not, however, hypothetical cases.

4. *Uninsured Vehicles*—The size of the problem can be gauged from the number of prosecutions launched for the use of vehicles without a proper third party insurance policy—

Name of States				1959-60	1960-61	1961-62	Total
West Bengal	..	..	..	389*	350*	278*	1,017
Himachal Pradesh	..	..	..	19	25	12	56
Madras (city only)	..	..	..	12	8	7	27
Mysore	..	..	..	33	52	45	130
<b>U. P.</b>	(Year-wise figures not furnished by the State Govt.)						<b>877</b>
<b>Delhi</b>	..	..	..	1,201	842	1,117	<b>3,160</b>
Orissa	..	..	..	588	342	330	1,260
Gujarat.	(Year-wise figures not furnished by the State Govt.)						<b>93</b>
Andhra Pradesh	..	..	..	18	55	65	138
Kerala	(Year-wise figures not furnished by the State Govt.)						<b>187</b>
Madhya Pradesh	(Year-wise figures not furnished by the State Govt.)						<b>145</b>

\*(For the calendar year)

We have no data to show how many of these uninsured vehicles were involved in accidents and how much compensation was assessed as payable by the owners of these vehicles in the accidents. It is likely that some of the hit-and-run accidents, which are dealt with separately below, were caused by uninsured vehicles, but this is no more than an inference for which there is no definite evidence.

5. Two aspects of the problem require consideration—

- Enforcement, i.e., any special measure that may assist in checking them; and
- Speedy procedure for recovery of damages from the owners of these vehicles.

6. It has been suggested that acceptance of motor vehicle tax only for the period of the currency of a certificate of insurance may be useful in checking uninsured vehicles, inasmuch as the administrative machinery for watching the payment of the tax already exists in every State. The Cassel Committee felt that a similar synchronization of the period of insurance with the period of licensing was not practicable and might lead to administrative difficulties in the U.K. The Insurance Association of India have pointed out that if the motor vehicle tax is made payable for the entire year and not for each quarter, it may be possible to make the period of insurance, which is normally one year, coterminous with it. We see no reason to bar monthly, quarterly or half-yearly payments as long as the month or quarter or half-year does not fall beyond the date of the period covered by the insurance policy. Since the advantages of verifying insurance when tax payment is checked outweigh the apparent administrative difficulties, we recommend that the State Governments should suitable

amend their Motor Vehicle Taxation Acts to make it impossible for a vehicle owner to pay the tax for a period extending beyond the period covered by the insurance of the vehicle. There may be some dislocation and inconvenience in the period of transition—say, the first year of the change; thereafter, the tax year and the insurance year will, unless a vehicle owner has any financial difficulty, become automatically concurrent; and the cases in which they do not run together will require watching as they probably relate to the financially “irresponsible” or weak ones.

7. Section 110-F empowers a Claims Tribunal to issue a certificate to the Collector for recovery of the amount due from an insurer in the same manner as arrears of land revenue but there is no provision for a similar realisation of the damages that are adjudicated by a Claims Tribunal directly from the insured or the driver of a vehicle. It is, in our view, necessary to empower the Tribunal to recover compensation like arrears of land revenue from the owner/driver of a vehicle which is not insured or the liability in regard to which is disowned by the insurer on valid grounds. The power should also be available in the case of a transport vehicle, when the damages awarded exceed the amount of insurance; in such a case, the Tribunal should be able to proceed against the owner/driver to the extent of the compensation in excess of the amount of insurance. If the Tribunal has the authority to make an award, there is no reason why it should not have the authority to execute the award. We understand that such powers have already been vested by the Maharashtra Government in the Claims Tribunal at Bombay.

8. It has been pleaded that drivers are generally persons of low income owning very little property and no useful purpose may, therefore, be served by applying the procedure for the recovery of compensation like land revenue to drivers. We may point out that a driver cannot, under law, be absolved of his responsibility for an accident caused by his rash driving or negligence. The damages, if any, may not, therefore, be confined to the owner of a vehicle. All that we propose is that recovery should be facilitated to the extent feasible. If damages are adjudicated, consequential action to collect them cannot be shirked or abandoned altogether. In any case, the procedure proposed does not have professional drivers alone in view. A person other than the owner or a paid driver may be driving the vehicle or may be in control or possession of it at the time of an accident; and we cannot have separate provisions for erring drivers depending on their being men of means or otherwise.

9. Neither stricter enforcement of the compulsory insurance provisions nor the amendment of the Motor Vehicles Act for the collection of damages like arrears of land revenue from the owner and driver of an uninsured vehicle jointly and severally can, however, save a person knocked down by an uninsured vehicle from the uncertainty and vexatious delays attendant upon proceedings against the owner or driver of the vehicle.

10. *Invalid certificate of insurance*—When an insurer repudiates a policy on the ground of the bad faith of the insured, the victim is in the same plight as in the case of an uninsured vehicle. The Maharashtra Government have expressed the view that the liability of the insurer should be absolute and that the insurer should satisfy himself

that there has been no misrepresentation before issuing the certificate of insurance. They have added that if any misrepresentation is discovered later, the insurer's liability should remain unaffected but he may claim the cost from the person who has secured the policy by fraud or by withholding material facts. A similar opinion has been expressed by the All-India Motor Unions' Congress and a few others, and it has also been pointed out incidentally that verifications of the antecedents of the owner of a vehicle and of the facts represented at the time of the issue or renewal of a policy should be one of the legitimate functions of the insurers' agents.

11. The insurers' contention, on the other hand, is that the right conferred on them by Section 96(2) (c) of the Motor Vehicles Act is an important one, which is in conformity with the fundamental principle underlying all contracts, viz., that a contract not based on the fullest disclosure of material facts is void.

They have urged that the Indian Motor Vehicles Act is in no way different from the U. K. Road Traffic Act of 1930 in this regard. They have urged further that if the suggestion that an insurer should not be allowed to disown his liability to compensate the victims and that compensation should be paid in the first instance, and later, a suit filed against the insured, is accepted, he will be assuming liabilities for which no valid contract exists in law, and therefore, may have no legal ground on which to proceed against the insured. They also apprehend that if it becomes known that they will have to pay compensation in such cases, non-disclosure and misrepresentation may become rife.

12. Under Section 21 of the Automobile Liability Security Law of Japan, when an insurer cancels a contract of insurance for failure to disclose material facts, such cancellation shall take effect for future after the lapse of seven days, reckoning from the date on which the person effecting the insurance receives the notice of cancellation. If an accident occurs before the cancellation becomes effective, the insurer shall be liable for the loss. After making the payment, however, he may seek to recoup himself of the amount so indemnified from the insured.

13. New Zealand Transport Act (VII of 1949) provides for a fine of £ 100 if any person makes any statement that is false or misleading in any respect for the purpose of effecting a contract of insurance, but makes it clear that the contract of insurance shall not thereby be affected (Section 72). This does not, however, take away or limit any other right of action or remedy that the insurance company may have against the owner or any other person in respect of any false statement.

14. The Cassel Committee went into this matter at some length and pointed out that breaches in the conditions of insurance and the obtaining of insurance by material misrepresentation or non-disclosure should be treated as offences of a very grave character, and the owner/driver convicted should be disqualified from holding a licence for 12 months.

15. We recommend that Chapter VIII of the Motor Vehicles Act should be amended to provide for penalty upto Rs. 1,000 not merely

for deliberate misrepresentation by the owner of a vehicle but also for any vexatious attempt by the insurer to wriggle out of his liability by any false statement of facts. This will not, however, solve the problem of the innocent victim of any accident in which the vehicle in question may be involved. The remedy for this, as for other similar problems, is examined by us in paragraph 52.

16. *Insolvency of the insurer*—It is superfluous to emphasise that insolvency of an insurer should not be allowed to frustrate or thwart a victim's claim. It has also been brought to our notice that no amount could be recovered from a certain insurance company, although the company had not been declared insolvent or gone into liquidation. Dilatory tactics as also bankruptcy of the insurer can be tackled to some extent by requiring the insurer to make a separate deposit for Act liability cases either by an amendment of Section 7(1) of the Insurance Act, 1938 (IV of 1938) or by an amendment of the Motor Vehicles Act. We would recommend the latter. The exact amount of deposit can be left to be prescribed by the Controller of Insurance taking the insurers' volume of Act liability business into account in accordance with a formula which he can evolve in consultation with the insurers. We suggest that the deposit in question should be earmarked for payment of any claims that are unreasonably delayed or that may be settled after the insurer goes into liquidation, such course of action in every case being subjected to the prior scrutiny and sanction of the Controller of Insurance. The interests of policyholders, who have no preferential rights over any of the companies' assets, will thus be safeguarded by this special security which should be available, unless it is exhausted by payment of claims, till the last policy issued by the insurer expires. This does not, however, solve the problem where the liabilities of the insurer for compensation exceed the amount available in the deposit account segregated for this purpose. We specifically asked the insurers' representatives, who met us, whether it would not be desirable for them to have mutual guarantee arrangements for meeting each other's third party liabilities in the event of any of them becoming insolvent. We were told that there were practical difficulties in such under-writing even in the cases of limited companies. The problem is more intractable in the case of Cooperative Insurance Societies.

17. *Accidents in which Vehicles are Unidentified*—Full information about such accidents is not unfortunately available from all the States. The following are the figures in respect of some of the States—

Name of State	1959	1960	1961
West Bengal .. .. .. ..	176	149	182
Maharashtra .. .. .. ..	153	149	140
Mysore .. .. .. ..	51	49	42
Andhra Pradesh .. .. .. ..	128	164	176
Uttar Pradesh .. .. .. ..	26	15	34
Delhi .. .. .. ..		117	
Orissa .. .. .. ..		54	
Kerala .. .. .. ..		114	
Madhya Pradesh .. .. .. ..		86	

It is reasonable to deduce from the above figures that vehicles are untraced in about a thousand accidents or roughly 3 per cent of the total accidents every year.

18. Section 89 of the Motor Vehicles Act requires that when any person is injured as a result of an accident in which a motor vehicle is involved, the driver of the vehicle or other person in charge of it shall not merely report the circumstances of the occurrence at the nearest police station, if no police officer happens to be present on the spot, but shall also take all reasonable steps to secure medical attention for the injured. It is obvious, therefore, that hit and run accidents, which are characterised by both disregard of law and inhumanity involve anti-social elements. The question for consideration is on whom the financial responsibility for the damages caused by them should devolve. In the final analysis, it appears that the motoring community as a whole cannot escape it, just as road accidents serve inevitably as an index of the standards of driving and road sense and consequently, lead to the determination of different premium rates, in the four rating zones into which the country has been divided for the purpose by insurers.

19. It is pertinent to point out in this connection that there is no material to hold that every hit and run accident is caused by an uninsured vehicle though the absence of an insurance policy may, in some cases, account for the failure of the driver of the vehicle to stop it and attend to the victim. It will not be disputed that to the extent an insured vehicle is involved in a hit-and-run accident the insurer concerned has also escaped financial liability for, if the driver does not drive away in panic and the claim of the victim is admitted in the normal course, the insurer will have to pay the compensation that is adjudicated. We have no doubt that the irresponsible conduct of the insured will be disapproved by the insurers but we have, at the same time to take note of the fact that they cannot be totally absolved of their liability, in equity, for the compensation that is due in such cases. If the owner of a vehicle, which has never been involved in an accident, can be compelled to pay for the cost of the indemnification of accidents caused by other motor owners, the insurer can also, on the same logic, be called upon to share the burden of compensating a victim who is involved in an accident in circumstances which would have resulted in a successful claim had the vehicle been known.

20. The Cassel Committee did not find it possible to recommend any statutory relief in cases of this type. The Cassel Committee's apprehension was that the grant of such a right to relief might lead to abuses. (Vide Appendix XIV).

21. The Insurance Association of India have also urged that if it is widely known that persons having no legal claim to damages will nevertheless be paid compensation, there may be many frivolous and fictitious claims. The argument is that "any beggar may be set up by designing crooks to put in a claim for accident injuries; and persons genuinely injured in any accident or on private premises may claim to have been knocked down by an unknown motor vehicle." It is also contended that there is a possibility of the injured and the driver or owner of a vehicle making common cause to defeat the aims of justice in these cases; a party may not like to take the risk of proving that

he was not at fault, or knowing the accident was due to his negligence, may deliberately desist from giving all particulars of the accident.

22. While it is true that the fact that the owner of a vehicle has avoided his obligation to inform the police and secure medical attention for the victim may lead to an adverse inference about his responsibility for the accident, we see no reason to fear that the courts will be swayed by the mere absence of evidence or by any faked evidence to admitting every claim as genuine. The onus of producing the necessary evidence and establishing that the injury alleged had been sustained in a road accident at a public place, that the inability to note the number and other particulars of the vehicle involved was real and there was no contributory negligence on his part will always rest on the person who claims the compensation. Phoney claims cannot be made easily if relief is conditional on the First Information Report about the alleged accident being lodged with the nearest police authorities and the public hospital (in exceptional cases the nearest registered medical practitioner) within 12 hours of the accident.

23. We learn that in Ireland, ex-gratia relief is provided in cases of serious and permanent disablement or death, where there is a reasonable certainty that the accident in question has been caused by the negligent driving of a mechanically—propelled vehicle, the owner or the driver of which cannot be traced.

24. In our view, the mere possibility of abuse cannot justify the refusal of compensation in a genuine case. Since there is not much to distinguish such a case from a case involving an uninsured vehicle, the innocent victim should be entitled to compensation as a matter of right instead of depending on discretionary relief.

25. *Stolen Vehicles*—Basically, there is no difference between a case of hit-and-run accident and an accident in which a stolen vehicle is involved; it is not unlikely that a hit-and-run accident may itself involve a stolen vehicle. Under the law in this country at present the contract of insurance covers only claims arising from the operation of a vehicle by the insured or by a person duly authorised by him. A claim for damages caused by a stolen vehicle is not enforceable against either the owner or the insurer.

26. We observe that under the New Zealand Transport Act, 1949 (VII of 1949), the owner of a vehicle has to nominate an insurance company and pay the appropriate premium at the post office and thereafter any damages on account of the death of or bodily injury to any person "sustained or caused by or through or in connection with the use of the motor vehicle" during the period of insurance shall be paid by the insurance company. As mentioned in paragraph 6 of Chapter II of our report, these provisions have been interpreted to require indemnification of claims arising from accidents caused by a stolen vehicle.

27. *Unpredictable Mechanical Failures*—Accidents resulting from the mechanical failure of a vehicle which its owner and driver could not have foreseen and for which they are not responsible are also outside the nature and scope of the existing third party insurance scheme.

28. The Madras Government have mentioned a case recently disposed of by the High Court of Madras where it has been held that in cases of accident, where the evidence, as it stands, does not justify any inference that the owner of the vehicle was responsible in law for the injuries sustained due to the accident or for latent defects in the vehicle which could have been detected by him by the exercise of reasonable care, there is no justification for the view that Sections 95 and 96 of the Motor Vehicles Act enlarges the scope of liability of the common law; these Sections merely refer to the pre-existing legal liability and lay down that where such liability exists, the victims of the accidents will be entitled to recover the damages from both the insurance company and the insured. In view of this decision, the Madras Government consider that the provisions of Sections 95 and 96 of the M. V. Act should be enlarged to prevail over the provisions in other enactments in respect of claims arising from accidents in which motor vehicles are involved.

29. The insurers argue with considerable force that their liability is contingent on the negligence of the insured and that indemnification of victims where the insured or his authorised representative was not at fault will be contrary to the current concept of third party insurance. It has further been pointed out to us that even if the insurers are prepared to extend the insurance coverage to such cases, it may not be fair to compel the owner of a vehicle to pay for the augmented cost by increased premium rates.

30. There is, however, a school of thought, that the purpose of third party insurance should be not just to enable the owner of a vehicle to discharge his liability without inconvenience but to protect the innocent users of the road from the risks inherent in the operation of mechanically propelled vehicles. It is pointed out that since sudden mechanical failures are a risk that is incidental to the operation of vehicles, we cannot be unconcerned about such accidents. It is urged further that the suggestion for relief in such cases is based not on abstract grounds of equity but on the real need to safeguard the interests of other users of the road in the context of our current programme for the rapid development of motor transport.

31. *Revised approach to Claims of Innocent Victims*—The points that emerge from an examination of the different types of cases indicated above are as follows—

- (i) It is no longer sufficient to pay compensation for the motorist's negligence; there should be a shift in emphasis to payment of compensation on the basis of the victim's contributory negligence. It is of cardinal importance that the innocent victim or his legal representatives should not be denied compensation, even if the motorist is not to blame for the accident in question;
- (ii) it is equally important that the compensation should not be in the form of a gratuitous dole. It should be assessed by a Claims Tribunal or a Civil Court in the normal course; and
- (iii) the claim assessed as legally due should be satisfied promptly. It should, in no event, be totally extinguished by reason of the financial irresponsibility of the motorist, or the Government's failure to trace and reach the offending motorist, or the insolvency of the insurer.

32. The objective should, therefore, be to evolve a machinery that will effectively protect the interests of the "third parties" on the road, without casting an arbitrary or oppressive financial burden on the motorist or his insurer. A secondary purpose arising out of this main consideration is to provide that, in the event of an insurer's insolvency, the same agency should undertake the latent liabilities in respect of his unexpired policies.

33. We are not inclined to suggest any sweeping or fundamental changes in the compulsory insurance provisions, to achieve this aim but at the same time it is clear that marginal or minor amendments will not meet the requirements. Various schemes are in force in different countries, e.g.,

- (i) State-operated Unsatisfied Claim and Judgement Funds in North Dakota, New Jersey and Maryland in the United States and in Canada;
- (ii) Unsatisfied Judgement Funds operated by insurers in New York and Virginia; and
- (iii) An Insurers' Bureau which has entered into an agreement with the Government on behalf of all the insurers, in Britain and Ireland.

On an objective examination of these schemes, we feel that none of them can be introduced in the conditions obtaining in this country without suitable adaptation.

34. *Indian Motor Insurers Bureau or a Central Third Party Insurance Fund*—It is a matter for satisfaction that the insurers have assured us of their cooperation in any workable scheme that may be evolved to give relief in genuine cases.

35. In their letter dated the 19th June, 1963 the Insurance Association of India informed us that to this end they had already requested the Accident Offices Association (Overseas) to furnish them with full details of the scheme in force in the U.K. and in particular to let them know how contributions were collected from the various British Companies, with details of any voluntary agreement that might have been reached by the British companies to meet such claims. They suggested that inasmuch as the Government themselves had a responsibility towards the injured parties who could not establish their claims owing to the absence of the defendant or for any other valid reasons, the Government should annually contribute half the estimated costs of such a scheme, while the insurer might bear the other half by imposing a suitable surcharge on the motor premium of each insured vehicle. They added that it was essential that insurers should administer this fund and that it should be open to the persons administering the fund to seek recovery from the actual wrongdoers, of the compensation paid from the fund to innocent injured third parties. A copy of their letter is included in the Appendices.

36. In a second letter dated the 17th August, 1963, which is also reproduced in the Appendices, the Insurance Association of India have expressed their readiness to organise an Indian Motor Insurers

Bureau, and have outlined a scheme with the following broad features for this purpose—

- (i) *Finance*—The Bureau will undertake to set up its own fund to discharge its obligations to claimants without expecting any contribution from the Government.
- (ii) *Uninsured vehicles*—The Bureau will make payment provided the injured person obtains a judgement against the owner of the uninsured vehicle.
- (iii) *Ineffective Insurance*—The Bureau will accept the principle, commonly accepted by Bureaus elsewhere, whereby the Insurance Company concerned will make payment of a claim to an innocent third party, notwithstanding the fact that the Company can repudiate its legal liability on the ground of fraud, misrepresentation, breach of warranty or concealment of material facts or any cause whatsoever.
- (iv) *Hit-and-run cases (Untraced Motorists)*—The Bureau will not be liable under the proposed agreement with the Government for hit-and-run cases. However, the Bureau will give an undertaking to Government to make ex-gratia payments in cases where a person has sustained serious and permanent disablement or has died as a result of injury from a motorist.

In order to minimise bogus claims, it will be stipulated that claims will be considered by the Bureau only if the claimant reports the accident to the nearest Police Station and to the nearest Public Hospital (and in exceptional cases to the nearest registered medical practitioner) within 12 hours of the accident.

- (v) *Stolen vehicles involved in an accident*—If insured, such cases would fall to be dealt with under the 'Insurer concerned' principle. Uninsured vehicles will fall under item (2) above and will be covered by the Bureau.
- (vi) *Mechanical failure or sudden incapacity of Driver*—As regards compensation to innocent third parties in cases where neither the driver nor the injured person can be held responsible, as for example mechanical defects developing in vehicle or accidents caused by sudden failure of brakes or by sudden heart failure of the driver etc., the Bureau will not be liable in law or under the proposed agreement with the Government but the Bureau will nevertheless be prepared to make ex-gratia payments in deserving cases, where facts justify such a course, and notwithstanding the fact that Motor Insurers' Bureau elsewhere do not cover such cases.
- (vii) *Speedy settlement of claims*—There will be no dilatoriness in the settlement of claims, as under the agreement the Bureau will themselves make payment if any judgement is unsatisfied within 28 days of the date of the judgement. It will also be the responsibility of the Bureau to ensure that

all insurers make prompt payment of all claims for which they are liable.

We are gratified that the insurers have risen to the occasion and devised a scheme which it at least in one respect, viz., in regard to cases of mechanical failure, better than the schemes in force in some other countries. There is, however, a manifest omission of claims against insolvent insurers in the scheme; we presume that this is inadvertent.

37. The Association have submitted that the following points would "need consideration" to make the scheme proposed by them workable and effective—

- (i) Effective enforcement of the provisions of Chapter VIII. The Motor Insurers Bureau is no substitute for effective enforcement of the law, and to attempt to establish a Bureau when there is a high proportion of uninsured motorists must ultimately result in placing a heavy financial burden upon the shoulders of law-abiding motorists who do take out compulsory insurance.
- (ii) It will be necessary for every insurer whether tariff, non-tariff, State Government or cooperative who transact motor transport business to become a member and be a signatory to the agreement between the Bureau and the Government and to fulfil its obligation.
- (iii) The scope of the Bureau should be confined to motor accidents and should exclude expenditure on road safety measures, road patrol and maintenance etc.

38. We are constrained to observe that (i) above merely poses a problem and does not solve it; for we cannot obviously wait till an enforcement procedure is perfected in order to have a voluntary Bureau.

39. As regards (ii) above, while a voluntary agreement of the insurers *inter se* and with the Government will certainly be a satisfactory solution, we have some doubts about the insurers coming to such a unanimous agreement in view of the fact that there are six non-tariff insurers and a few insurance cooperatives, besides self-insuring State transport undertakings, and it is not proper to have an agreement which does not include all of them. It is not a matter which can be left to the good intentions of individual insurers; and an "agreement" by compulsion is inconceivable. If, however, a Special Fund is created, all the insurers can be required to contribute to it on a uniform basis by legislation.

Apart from the difficulty that may be experienced in inducing all insurers to join a voluntary agreement with the Government, it is also doubtful whether a voluntary agreement, which does not have legal sanction, can always be effective. If any legislation is necessary to place the matter beyond doubt, we see no particular merit in it vis-a-vis a Central Fund constituted by legislation.

40. A second reason why we prefer legislation is that legislation will in any case be unavoidable for vesting the proposed Indian Motor Insurers' Bureau with the right to sue the owner of an uninsured or ineffectually insured vehicle for re-imbursement of the compensation, if any, paid on his behalf to a victim knocked down by the vehicle. No useful purpose is likely to be served by trying to operate the scheme by agreement with insurers when legislation is, in any case, essential for giving effect to all the consequential action it involves.

41. There is a third and even more compelling reason. A proposal to promote legislation for setting up a National Road Safety Council is stated to be under the Government's active consideration. In our view, the Council may prove a suitable agency for administering a fund established for paying any compensation which is outside the scope of the existing compulsory third party insurance provisions of the Motor Vehicles Act, since it will deal with all aspects of the problems of road safety. There can hardly be any justification for forming a separate Indian Motor Insurers' Bureau when a statutory body on which the insurers' interest can be adequately represented and which will be devoted to the prevention of accidents is set up.

42. We note the stress laid by the Insurance Association of India on "the importance of keeping that (Road Safety) organisation quite separate and distinct from the Motor Insurers' Bureau" for the scheme for compensating innocent victims of road accidents is an integral part of the road safety programme. Even from the strictly business point of view, the insurers should welcome all steps taken for the prevention of accidents and consequent reduction in the cost of insurance. If, however, the view is that the funds specifically collected for payment of damages should not be diverted to road safety work, we endorse it fully.

43. We recommend accordingly that a Central Third Party Insurance Fund should be organised and a Special Committee of the National Road Safety Council should be entrusted with its management. The Committee should include representatives of the Controller of Insurance and the insurers.

44. *Finance for the Fund*—The following suggestions for finding the necessary money for the Fund have been considered by us—

(i) *A compulsory levy of a rupee per vehicle per year or a levy varying with the type of vehicle (i.e. a small amount for motor cycles, a higher amount for commercial vehicles etc.)*

It has been pointed out that there are about 8,50,000 vehicles on the road at present and even a nominal levy will secure ample resources for the fund. We are advised that the levy can assume the form of a surcharge on the third party compulsory insurance premium. The argument in favour of this proposal is that the cost of the damages should, where it can not be recovered from the negligent wrong-doer, be distributed throughout the motoring community as a part of the cost of motor vehicle operation. The necessity for this levy will, however, arise only if it is not possible to draw upon the insurance premium already paid by motor vehicle owners.

(ii) *Contribution at a prescribed percentage of the gross premium receipts by the insurers as well as State Governments doing insurance business*—It has been argued by some of the insurers that the premium rates are lower in India than in Britain and this was one of the reasons why the insurers formed a Bureau in Britain on a voluntary basis. It has been suggested that if the insurers in India are called upon to create a fund statutorily, they should be permitted to charge higher premium rates. We observe that this plea is not tenable since the gross profits of the insurers in this country are substantial—

Year	Premium receipts						Payment for compensation
	1958	1959	1960	1958	1959	1960	
1958	..	..	..	..	..	..	68,89,750 9,49,761
1959	..	..	..	..	..	..	77,80,157 8,84,887
1960	..	..	..	..	..	..	90,53,993 15,98,010

Similar figures relating to only two countries viz., New Zealand and Norway are immediately available with us and are given below—

#### NEW ZEALAND

	Registration Year ended 30 June					Total for Ten years to 30 June
	1955	1956	1957	1958	1959	
Premium received ..	1,339,714	1,428,847	1,533,555	586,394	1,660,399	11,825,244
Claims actually paid to 30 June ..	819,433	1,120,383	1,011,456	580,900	105,990	6,984,666
Estimated liability for claims still outstanding at 30 June 59 ..	43,125	136,967	485,421	1,050,945	1,593,554	3,321,380
Ratio per cent of claims paid and outstanding to premiums ..	64.4	88.0	97.6	102.9	102.4	87.2

#### NORWAY

	1960	1961
Premia realised by insurers of motor vehicles ..	141,615,719 N.K.V.	165,839,517 N.K.V.
Amounts of compensation paid ..	76,002,816 N.K.V.	97,442,684 N.K.V.

The question whether the insurers can be compelled under the law to contribute a percentage of their receipts requires examination. However, we do not think that resort to such a course is necessary since alternative sources for raising the fund are available.

(iii) *Reduction of the Commission Payable to the Agents of the Insurers and Imposition of an Equivalent Surcharge*—The First Motor Vehicles Insurance Committee (1936-37) recommended that the commission payable to an insurer's agent for procuring third party insurance business should not exceed 10 per cent of the premium since it was not necessary for the agent to convince people of the need for insuring their vehicles, such insurance being compulsory under the law; there is no question of developing a "market" for compulsory insurance unlike comprehensive or marine or life insurance.

This recommendation has not so far been implemented; one of the reasons being that the Insurance Act of 1938 preceded the Motor Vehicles Act, 1939, and that, further Chapter VIII of the M. V. Act was not brought into force till 1946.

We would reiterate the recommendation of the earlier Committee, viz., that the commission for Act liability insurance should be reduced to 10 per cent from the present rate of 15 per cent. The levy of a surcharge to the extent of this saving to the insurer, viz., 5 per cent, will not affect the revenue of the insurer or the cost of operation of the motor vehicle.

45. If, for any reason, it is not possible to reduce the agent's commission, the fact that the insurers have been giving a rebate of 10 per cent to members of automobile association and that this rebate has recently been reduced to 5 per cent because 10 per cent was equal to the subscription payable to the associations in some cases and the insurers felt that the benefits derived by them from the activities of the associations were not commensurate with the rebate, may have to be taken into account in determining the insurers' contribution to the fund.

46. In addition to a surcharge on the lines indicated above, we suggest that all the premium that might have been paid in the normal course by the owner of an uninsured vehicle for the period he has not taken a valid insurance policy for it should be made payable to the fund, together with penalty for the default, equal to the amount of the arrear premium.

47. As regards State Transport Undertakings, their contribution should be based on the premium that would be payable by them but for their exemption from insurance.

48. *Conditions to be Attached to the Operation of the Fund*—Unsatisfied Claim and Judgment Fund Law in Maryland and other States of the United States includes two provisions which will also be essential for any fund that may be set up in this country.

49. One of these provisions imposes a limit on the amounts payable from the fund. In Maryland, for example, the maximum amount payable from the fund is \$ 10,000, exclusive of interest and cost, on

account of injury to, or death, of one person in any one accident; subject to a maximum of \$ 20,000 in the aggregate, exclusive of interest and cost on account of injury to, or death of more than one person in any one accident. In our opinion, the limit in this country should be Rs. 10,000 per individual subject to a ceiling of Rs. 20,000 per accident, exclusive of interest and cost.

50. The second useful provision is that the Commissioner of Motor Vehicles can be made a defendant and "shall have available to him any and all defences which would have been available to the operator or owner or both, if the action had been brought against them or either of them." The Commissioner shall have to pay the amount that is adjudicated, from the Unsatisfied Claim and Judgment Fund and on such payment, he shall be entitled to recover the amount from the "operator" or the owner of the vehicle if and when his identity is established. We recommend that the proposed National Road Safety Council may be allowed to be impleaded as a defendant in all the cases in which it is called upon to make a compensation payment by a claimant falling under any of the five categories enumerated in paragraph 3 above, except where the vehicle involved in an accident belongs to the Government. We also recommend that the Council should be entitled to reimburse itself of any claim it satisfies, from the owner or operator of the vehicle, where possible.

51. For the purposes of defence and also any suit that may be filed against the owner or the operator, the Council should be given the necessary powers to call for any information it requires from the insurers.

52. *Administration of the Fund*—To sum up, a Central Third Party Insurance Fund should be set up for dealing with cases of the five categories listed in paragraph 3 and this fund should be administered by the National Road Safety Council which is proposed to be constituted by the Govt. Contributions should be collected for this fund, in the form of a surcharge equal to 5 per cent of the third party compulsory insurance premium payable by vehicle owners and also from the other sources mentioned in paragraphs 44—47. Payments should be made from the fund only after the compensation is assessed by a Claims Tribunal or a Civil Court on the basis of the degree of the claimant's culpability and shall further be restricted to Rs. 10,000 per individual and to a maximum of Rs. 20,000 per accident, the National Road Safety Council shall be entitled to sue the owner or the driver of a vehicle for recoupment of any amount paid by it in pursuance of the Tribunal's/court's order.

## CHAPTER V

### COMPULSORY INSURANCE OF TRANSPORT VEHICLES

*A Scheme of passenger insurance*—As pointed out in para 28 of the preceding chapter, the Madras Government are of the view that third parties involved in a motor vehicle accident should get relief even in a case where the negligence of the driver of the vehicle is not established if they are not themselves to blame for it.

2. The Punjab Government have also expressed a similar view. They have cited a recent decision of the Punjab High Court (AIR 1962, Punjab 540) where it has been observed that “it is true that Section 110B of the Motor Vehicles Act does not lay down that it is only when negligence on the part of the driver of the vehicle concerned is established that compensation can be awarded”, but has been held that compensation claims under Chapter VIII of the Motor Vehicles Act are governed by the general law of torts and a person's liability will, therefore, depend on his negligence. The Punjab Government have suggested that the Motor Vehicles Act may be amended to entitle the passengers of a bus to compensation, irrespective of the culpability of the driver.

3. We have already recommended that relief should be extended to third party victims who are not passengers of the vehicle when it is involved in an accident, from a central fund to be administered by the National Road Safety Council. We would distinguish the cases of the fare-paying passengers of a bus from the other third party victims of accidents. The carrier—that is, the owner of the bus or taxi has a clear responsibility to the passengers and can insure for their safe transport passing on the cost of the insurance, if necessary as a part of the fare. The analogy of air-travel, for which an “Ex-Gratia Payment Scheme” has recently been formulated by the Indian Air Corporation suggests itself in this context, compensation amounting to Rs. 42,000 is now payable for fatal injury to every air passenger, irrespective of the cause of accident, proportionately lower benefits being available for non-fatal injuries. We recommend that the owner of every stage carriage and contract carriage should be required to take a policy of insurance that will compensate the passengers in the event of an accident not caused by him or his driver, unless the passengers concerned are themselves at fault.

4. *Limits of the insurance liabilities*—The question that comes up for consideration is what the limit of such insurance should be. The insurance limits prescribed at present for purposes of Section 95 of the M.V. Act are as follows:—

Rs. 2,000 per passenger in a bus  
Rs. 4,000 per passenger in a taxi cab

Rs. 20,000 per goods truck

Subject to a maximum of Rs. 20,000 for fare-paying passengers and Rs. 20,000 for other third parties.

There is a general public demand for raising these limits. It is obvious that the limits of the liabilities of the insurer in regard to fare-paying passengers and employees of the vehicle owner should be identical whether the accidents in question occur by reason of the drivers' negligence or not.

5. The arguments for upward revision of the limits laid down in Section 95(2) are:—

- (i) rise in the cost of living since 1939, and
- (ii) increase in the carrying capacity of stage and contract carriages.

The All-India Motor Unions' Congress has further urged on behalf of the operators that there is no justification for limiting the amount of insurance in the case of commercial vehicles and that the majority of the owners of trucks and buses are not in a position to pay the compensation awarded by Tribunals in excess of the amount for which the vehicles are insured, the consequence being that the victims of the accidents are unable to receive their dues quickly.

6. It has been pointed out in this connection that no limit has been imposed by sub-section 4 of Section 203 of the Road Traffic Act 1960 in England, which contains the requirements in respect of policies of insurance. However, we notice that the New Zealand Transport Act, 1949, some of the provisions of which are also parallel to ours, restricts the insurance liability in respect of vehicles carrying passengers on hire or reward. The maximum liability was £ 5,000 upto 1959 and £7,500 thereafter, the aggregate liability for all passengers being likewise £50,000 till 1959 and subsequently £75,000.

7. The First Motor Vehicles Insurance Committee (1936-37) had recommended that the amounts for compulsory insurance should be as under, and expressed the view that these amounts, while affording adequate protection to second and third parties, would not place an unduly heavy burden on the road transport industry:—

Private Cars	..	..	..	Unlimited
Goods Lorries	..	..	..	Rs. 30,000
Buses	Second parties (fare paying passengers)		..	Rs. 8,000 per seat
	Third parties ..		..	Rs. 30,000
Other hired vehicles (Including taxis)	Second parties (fare paying passengers)		..	Rs. 5,000 per seat
	Third parties ..		..	Rs. 30,000

In these proposals, the approximate gross cost of insurance was estimated as follows:—

Good Lorries	..	..	..	..	Rs. 90—120
Buses	Third party ..		..	..	Rs. 90—120
	Passengers ..		..	..	4 per seat
Other hired vehicles (including taxis)	Third party ..		..	..	Rs. 80—100
	Passengers ..		..	..	5 per seat

The limits prescribed in the Act, viz., Rs. 2,000 per a bus passenger, Rs. 4,000 per a taxi-passenger and Rs. 20,000 per bus or taxi, are lower than those recommended by the Committee; and the consensus of current opinion appears to be that these rates have ceased to be realistic now. The following remarks of the High Court of Bombay (Nagpur Branch) in Appeal No. 56 of 1957 (Bhuramal & Mitra Motor Association and others versus Raghunath, son of Bansilal and others) is of considerable weight in this connection—

“We cannot help observing that it is rather strange that the Regional Transport Department has permitted a limited insurance of the risk. It appears that the liability of the insurance is limited to only Rs. 2,000/- . In many cases some of these transport operators are not sufficiently rich to be able to pay damages assessed in a case. The risk with the insurance company is limited only in order to reduce the insurance premia. It is high time that law insists on a full cover of the risk involved in such services in order that no passenger may suffer for want of full cover of the risk.”

8. The only reason that has been pressed for dissenting from the above recommendation is that any increase in the amount of insurance will entail additional premium the burden of which will be passed on to the public in the form of rise in fare or freight. We find that the following are the current motor premium rates for Act liability risks:—

**PRIVATE CARRIERS VEHICLES—Class A(1)**

<i>Licensed Goods Carrying capacity of the Vehicles</i>	<i>Premium</i>
not exceeding 10 Cwts.	Rs. 30.00
not exceeding 2 tons.	Rs. 35.00
not exceeding 3 tons.	Rs. 40.00
Exceeding 3 tons	Rs. 45.00

**PUBLIC CARRIER VEHICLES—Class A(2)**

<i>Maximum licensed goods carrying capacity</i>	<i>Premium</i>
not exceeding 3 tons	Rs. 50.00
not exceeding 5 tons.	Rs. 60.00
Exceeding 5 tons.	Rs. 70.00

**TAXIS (EXCLUDING PASSENGER'S RISK)—Class B(2) (a)**

<i>Bombay Region</i>	<i>Calcutta and Delhi Region</i>	<i>Madras Region</i>
Rs. 30.00	Rs. 40.00	Rs. 40.00

Extra premium Rs. 3.50 nP per passenger (for covering legal liability to passengers).

PUBLIC PASSENGER SERVICE VEHICLES (EXCLUDING PASSENGER'S RISK—  
Class B—1

Maximum licensed passenger carrying capacity	Premium
not exceeding 18	Rs. 50.00
from 19 to 24 inclusive	Rs. 55.00
from 25 to 30 inclusive	Rs. 60.00
from 31 to 36 inclusive	Rs. 65.00
exceeding 36 passengers	Rs. 70.00

Extra premium Rs. 2.50 nP per passenger (for covering legal liability to passengers).

9. We are informed that the above insurance cost generally forms a negligible percentage, viz. about 0.24 per cent, of the cost of operation of a Tata-Mercedes Benz truck. The following information has been furnished by the Automobile Dealers Association of Western India Ltd:—

		Comprehensive insurance	3rd Party liability	Act only liability for 3rd party
Premium	.. .. ..	1,400	120	70
Ton-miles	.. .. ..	1,92,400	1,92,400	1,92,400
Effective incidence per ton-mile	.. .. ..	0.73nP.	0.062nP.	0.036nP.
Operating cost per ton-mile	.. .. ..	15	15 nP.	15nP.
Ratio of insurance to operating cost	.. .. ..	4.9%	41%	24%

In the case of a Leyland vehicle the payload of which is higher, the cost will be less. It has been represented by the All India Motor Unions' Congress that the premium for compulsory third party insurance as required at present under the Motor Vehicles Act forms only "an insignificant part of the cost of operation" and, because this insurance does not totally absolve the operator of his liability in the event of an accident and "he has to make good much more than is payable by the insurer whenever any compensation is awarded", the majority of the operators "prefer to have comprehensive policies, the premium for which is unreasonably high".

10. The Madras Government have suggested that the operator of a transport vehicle should also be required "to cover his entire risk like the owner of car"; but the Maharashtra Government consider the existing limits to be adequate. The Punjab Government think that it is necessary to raise the over-all limit of Rs. 20,000 to Rs. 100,000 and the limit per passenger also proportionately from Rs. 2,000 and Rs. 4,000 to Rs. 10,000 and Rs. 20,000 respectively. The Indian Road and Transport Development Association Bombay, proposes, Rs. 20,000 per person and Rs. 300,000 per vehicle.

Having due regard to the need to ensure that, as far as possible, the cost of operation is not materially affected, we would recommend that the existing limits on the amount of policy for employee and third party liability should be increased from Rs. 20,000 to Rs. 50,000 for a vehicle in Section 95(2)(a) & (b). There should also be increase in the amount of the policy for passengers' risk insurance from Rs. 2,000 to 5,000 per passenger if it is a bus and Rs. 4,000 to Rs. 10,000 per passenger if it is a taxi in Section 95(2)(b). Further, a vehicle with carrying capacity to the extent of 30 and below may be compelled to insure for Rs. 50,000, a vehicle with a capacity ranging from 30 to 60 for Rs. 75,000 and a vehicle with a larger capacity for Rs. 1 lakh.

11. The Bharat Chamber of Commerce has pleaded for an "expert assessment of the rate structure and claims experience of the insurance companies with a view to considering the question of increasing the limit of liability for the passengers without increasing the premium rate." Detailed statements showing the premium receipts and payments of damages in respect of the different types of vehicles in this country and, for purposes of a comparative study, in New Zealand also, for the year 1958-1959 and 1960 are included in the Appendices. It appears, *prima facie*, that the two proposals made by us in paragraph 3 and 10 above will lead only to a negligible rise in the cost of insurance and consequently in the cost of operation of commercial vehicles. We have no doubt that the insurers will not ignore the necessity for keeping down the cost of motor vehicle operation in examining their rate structure for any increased compulsory coverage that the Government may determine.

## CHAPTER VI

### DAMAGE TO THIRD PARTY PROPERTY

Compulsory insurance against risk of damage to third party property is not a new or untried concept, since it was introduced in Sweden before 1937. As we have pointed out in para 3 of Chapter I, the First Insurance Committee did not, in 1936-37, consider that the time had yet come for making such insurance compulsory.

2. *Objections to Compulsory Insurance of Third Party Property damage*—The Insurance Association of India is, however, opposed to the idea on the following grounds:—

- (i) It is likely to lead to frivolous claims.
- (ii) It is unlikely that there will be any hardship to a person of small means as the value of the property of such a person will be small and should be recoverable from the person causing the damage.
- (iii) If, on the other hand, the property damaged is valuable, it is highly probable that the owner of the property will have already protected himself by insurance.

There is risk of a serious property damage only where a motor accident causes a fire. As practically all valuable property is insured against fire damage, compulsory motor vehicle insurance will, in fact, result in benefit to the other insurers rather than to the public.

- (iv) The majority of vehicles are also already insured for damage to third party property under full Third Party or Comprehensive policies; and the hardship, if any, resulting from damages caused by motor vehicles is not of such magnitude as to call for additional legislation.
- (v) Compulsory cover for property damage will lead to higher claims costs and therefore to higher premium.

The insurers' suggestion is that the object of compulsory insurance can be achieved by vesting the Claims Tribunals with powers to adjudicate third party property damage claims also upto a limit of Rs. 2,000/-. They have urged that, in any case, if legislation is proposed for additional compulsory cover, property belonging to the insurer or his family or household should be excluded from its purview.

We have given full consideration to the above reasoning but are unable to agree with it.

3. Neither our own past experience nor the experience of other countries in regard to compulsory insurance against risk of third party injury justifies the apprehension that compulsory insurance in regard to third party property will lead to a spate of fictitious or spurious claims. On the other hand, there is reason to believe that

payments of "losses" or damages against claims relating to non-compulsory policies, e.g. comprehensive policies, constitute a larger percentage of the premium receipts than compensation payable in respect of compulsory insurance policies.

As regards the arguments at (ii), (iii) and (iv) above they are equally applicable to compulsory insurance against risk of third party injury. If they are not tenable in the latter case, they cannot also be advanced against compulsory insurance against third party property damage.

4. *Limits of compulsory insurance*—The plea that this will add to the burden on the owners of motor vehicles as they will have to pay increased premium for purchasing third party property cover is not also sustainable, since the premium for third party personal injury policy forms an insignificant percentage of the cost of operation of a vehicle and the additional charge will also be negligible, if the amount of compulsory insurance is limited to a small figure, say Rs. 2,000/-. The All-India Motor Unions' Congress and some other representative bodies have not merely expressed themselves in favour of compulsory insurance but suggested that the liability should be the liability actually incurred.

5. The West Bengal Government are also of the view that no limit should be fixed on the amount of insurance. The reason they have given is that compensation should be determined in terms of the current cost of replacing the property damaged.

The Maharashtra Government have suggested that in the case of damage to property the limit should be Rs. 1,000. This limit will, according to them take care of people who cannot have recourse to courts of law and also of public property such as culverts, walls etc.

The Madras Government are also in favour of compulsory third party property insurance and propose that no limit should be placed on the liability.

The opinion of the Government of Rajasthan is that the limit may be fixed at Rs. 2,000/-, and of Madhya Pradesh, at Rs. 10,000.

The Punjab Government are not in favour of the proposal but have adduced no reason to support their stand.

The other State Governments have made no comments in the matter.

6. It is unnecessary for us to go into the question whether the damages should be determined on the basis of replacement cost or any other factors, since the principles on which damages are arrived at are already well-established. What we are concerned about is the avoidable inconvenience, delay and harassment that are involved in motor accidents in which the victims are people of small means—e.g. cyclists or scooter-drivers whose vehicles are damaged, small wayside shops into which a vehicle crashes etc. The hardship in these cases can be obviated if insurance for a sum of Rs. 2,000 in one accident is made compulsory and claims are required to be lodged before Claims Tribunals in all cases where the claim does not exceed this amount.

7. *Claims to be preferred before Tribunals*—According to the Insurance Association of India there were only 25 cases in which during the last three years, claims were filed for damage to property before Civil Courts and separate claims arising out of the same accident were also filed before the Motor Accident Claims Tribunals in respect of injury to human beings. We have no information to show the amounts for which the claims in question had been preferred. We would recommend that even if the claim for damage to property exceeds Rs. 2,000, the victim of an accident who has suffered personal injury besides the damage to property and who files a claim for compensation for the injury before a Claims Tribunal should be entitled to prefer the property damage claim also before the Tribunal instead of being driven to a court for the latter. This will not merely save duplication of proceedings but also the risk of contradictory findings on identical facts in a single case by two different authorities.

Fees may be levied in respect of property claims on the same ad valorem basis as in the civil courts. This will ensure that exaggerated claims are not made.



## CHAPTER VII

### CLAIMS TRIBUNALS

*Delay in Establishing Tribunals*—The impression that is gained from the material collected from the State Government is that the purpose for which the provisions for setting up Claims Tribunals were made has not been fulfilled. These provisions were incorporated in the Motor Vehicles Act by the Motor Vehicles Amendment Act 1956 (100 of 1956) with the express intention of making available to the public the benefit of quick disposal of cases pertaining to compensation. We find that in many of the States Claims Tribunals have not so far been set up.

2. Tribunals have been constituted in the States of Maharashtra, Madras, Himachal Pradesh, Bihar, Punjab, Gujarat, Orissa, West Bengal, Assam, Madhya Pradesh and also in Delhi, Tripura and Manipur. The number of claims filed has been appreciable only in the States of Maharashtra, Punjab and Madras and in Delhi as is evident from the following figures:—

State	Period	No. of cases filed
Maharashtra	1961-62	689
Punjab	1961	371
Madras	1962	166
Delhi	1961-62	200

In the other States where Tribunals have been appointed, particularly, in West Bengal, the number of cases filed with the Tribunal is disproportionately low compared with the number of recorded accidents.

3. It would appear that the Kerala Government have not established any Tribunals on the ground that third party insurance within the State is done by them. Settlement of claims cannot depend upon inferences from police investigations or even on convictions in criminal courts; and civil court proceedings tend to get prolonged and expensive. We may point out that tribunals are necessary not because of lack of public confidence in the insurers, resources but, because, if an out-of-court settlement does not materialise, the victim has to resort to suits in civil courts where proceedings may be protracted. Since proceedings before Tribunals are generally speedier and less expensive than court proceedings, we suggest that the question may be reconsidered by the Kerala Government and that the U.P., Mysore, Andhra Pradesh and Rajasthan may constitute Tribunals without further delay, thus obviating the need for an amendment of the Motor Vehicles Act for setting up Tribunals compulsorily as recommended by the Road Transport Reorganization Committee.

4. *Time taken by Tribunals to decide claims*—One year is approximately the time taken to decide a claim preferred before the Tribunal in Punjab, 5—6 months in Himachal Pradesh 7 months in Maharashtra, 8—9 months in Madras and over a year in Delhi.

5. This inordinate delay is attributed mostly to want of service on the parties. Particulars of the drivers and owners of vehicles are not known to the aggrieved parties, nor is the name of the insurer.

6. Delays in the communication of the First Information Reports, the evasive methods adopted by owners or drivers of vehicles etc. have also been mentioned among the other causes of the delay. It is hoped that if our suggestion in para 23 of Chapter III, viz., that the F.I.R. should be communicated as soon after the accident as possible to the National Road Safety Council is accepted, it will serve to reduce the delay. We would recommend that either in the F.I.R. itself or as soon thereafter as possible, full particulars of the insurer, driver, and owner of the vehicle and other witnesses, including the occupants of the vehicle, should be obtained and recorded by the Police and that these should also be forwarded to the National Road Safety Council promptly.

7. *Powers to summon owners/drivers of vehicles*—The absence of powers to compel the attendance of drivers or owners of vehicles is stated to be one of the major difficulties experienced by the Tribunals in the expeditious disposal of claims. It is the duty of a Tribunal to see that the damages awarded are adequate for the injuries suffered. The burden of proving that an accident is due to the negligence of the driver is initially on the applicant but slight evidence will shift that burden to the driver. If the driver remains absent, the court is free to draw an adverse inference that is an inference in favour of the applicant. There is, however, no provision in the Motor Vehicles Act to compel the attendance of the driver or the owner.

8. Section 110-C(2) of the Motor Vehicles Act provides that—

“the Claims Tribunals shall have all the powers of a civil court for the purpose of ..... enforcing the attendance of witnesses .....”

It has been pointed out that if a party to the litigation before the Tribunal is summoned as a witness by the other party thereof, then, he (the summoned one) will be deemed to be a “party to the said litigation required to give evidence or to produce a document” so as to attract Order 16, Rule 21 of the Code of Civil Procedure. Order 16 Rule 21 postulates that where any party to a suit is required to give evidence or to produce a document the provisions as to witnesses shall apply to him so far as they are applicable. In such a case, it can be said that a Motor Accidents Claims Tribunal can compel the attendance of that party (summoned as a witness) for the purpose of giving evidence.

9. In case a party to a litigation is not summoned as a witness by the other party, then he cannot be termed “a witness” in that litigation and cannot be compelled by the Tribunal to attend in person for

the purpose of giving evidence. Even the provisions of Order 16 Rule 14 of the Code of Civil Procedure, which vest a right in a Civil Court to call a person as a court witness, cannot be availed of by the Tribunal in such a case, because the right vested in the court is "to examine any person other than a party to the suit and not called as a witness by a party to the suit."

10. There may be circumstances in which the Tribunal may like to examine the defendant. His evidence may be useful in finding out whether there was any contributory negligence on the part of the person who has preferred the claim, and also in arriving at the compensation taking the extent of his culpability into account. It is, therefore, essential to ensure that the Tribunal has the power to compel the attendance of the parties in person whenever deemed necessary by it. We recommend accordingly that Motor Vehicles Act may be suitably amended to empower a Tribunal to summon the driver or owner of a vehicle as a witness on its own initiative and also impose a fine on the delinquent driver or owner who wilfully remains absent or fails to produce the evidence in his possession, upto a maximum of Rs. 2,500 and/or suspend/cancel the driving licence/permit/registration certificate. Such a provision may facilitate the Tribunal's work.

11. *Impleading Insurers*—The Motor Vehicles Act provides that notice of proceedings against the insured need be given to an insurer only when he is called upon to pay any sum awarded by the court to the third party and the insurer can take only a limited number of defences available to him under Section 96(2) of the Motor Vehicles Act for voiding a policy.

12. At present the insurer is not entitled to be given notice of proceedings against the insured before the commencement of the proceedings nor is he permitted to take all the defences available to the insured in contesting an action for damages.

13. In actual practice, where a policy of insurance so provides, the insurer does take part in the proceedings against the insured in the latter's name and therefore avail of all the defences open to the insured. It has been pleaded that this procedure is cumbersome and may not serve the ends of justice in a case in which the insured, who has a perfect defence for the action against him, fails to cooperate with the insurer either due to carelessness or for fear of personal inconvenience. It has been argued that the insured is aware that though the primary liability is his, the insurance company has to satisfy the judgment in favour of an injured person and he may therefore, not care to put himself out to any great extent to help the insurance company. It has also been suggested that there is a possibility of collusion between the insured and the injured third party, particularly in a case where the insured himself is a man of inadequate means. The argument proceeds further that it is a rule of natural justice that no order should be made against a party without hearing him and that a party must be given every opportunity to defend an action for which he is ultimately made liable under that action.

14. This argument overlooks the fact that the position of an insurer is almost analogous to that of a surety and an insurer can no

more seek to repel a claim than a surety or a guarantor, since his interest in the case is limited to the fact that he has underwritten the risk. If under the common law, the plaintiff can claim no relief against the insurer on the basis of the policy an obligation to implead the insurer as defendant to the suit or claim proceedings cannot be placed on him.

15. Explaining the object of Section 96 of the Motor Vehicles Act, the \*Punjab High Court has pointed out that under the common law the assured will have to sue the insurer for payment of the compensation awarded by a court after the decision of a suit, since the injured person can not implead the insurer. It is only because these two independent suits arising out of the same accident involve considerable wastage of time and money that Section 96 combines them, without affecting in any way the rights of the injured person, the insured and the insurer *qua* each other. Likewise, the insurer could not, before the enactment of Section 96 intervene in the litigation between the injured person and the assured and even after the enactment in 1939, he cannot do so and cannot raise any plea which is relevant only between the injured person and the assured. If the defence available to the insurer is not of a limited nature, the purpose of compulsory insurance against third party risk will, according to the High Court, be completely defeated.

16. The point has been further elaborated by the †Bombay High Court which has held that the object of giving the notice under Section 96 is obviously to enable the insurer to defend the action *through* the defendant through the usual "control of proceedings" clause. If the court is satisfied that the company has not had a reasonable opportunity to defend the action and the defendant is only a nominal defendant or does not take the requisite interest in the proceedings, the court acting under its inherent jurisdiction, will give the company an opportunity to defend it.

17. The question came up for consideration before the ‡Supreme Court also. The Court has observed that the statute causes no hardship, since it is possible for the insurer to reserve, as a condition of his policy, the right to defend an action in the name of the assured; and if he is made to pay something which under the contract of the policy, he is not bound to pay, he can, under the proviso to sub-sections (3) and (4) of Section 96 recover it from the assured.

18. It is significant that with reference to a specific query about the number of cases in which the insurer was not impleaded by a court/Tribunal in spite of his request the Insurance Association of India has stated that there was only one such case in the three years upto 1961-62. The Association has not explained whether any appeal was filed against the refusal of permission to be impleaded in the one case it has mentioned and if so, with what result.

\* A. I. R. 1953.

† A. I. R. 1955 (Bombay).

‡ A. I. R. 1959.

19. It is, therefore, obvious that the insurers are not put to any hardship in proceedings before courts. The point for consideration is whether a Claims Tribunal also has the powers of a court for allowing an insurer to defend the action, where either the insured or the person in possession of his vehicle when it was involved in the accident in question is indifferent to the proceedings before it. It would seem that in actual practice, the insurers do get adequate opportunity before Tribunals also. In the absence of a statutory, provision vesting a Tribunal with the discretion of a court to give such an opportunity, it is conceivable however, that there may be failure of justice in an odd case, particularly where there is collusion between the insured and the injured third party.

20. We recommend accordingly that the Motor Vehicles Act may be amended to enable a Claims Tribunals to permit an insurer to defend an action where the Tribunal is satisfied that (i) there is lack of cooperation on the part of the insured or of his agent who was in possession of the vehicle or of other persons connected with him, or (ii) there is collusion between the insured and the person who has preferred the claim.

21. We find in this connection that such provisions exist in some other countries also. For instance, in the Unsatisfied Claim and Judgment Fund Law in parts of the United States, e.g., Maryland there are specific provisions to deal with a case where the defendant fails to extend the necessary cooperation:—

“In any case in which the insurer has assumed under this subtitle the defence of any action, the defendant shall co-operate with such insurers in the defence of such action. In the event of his failure to do so, such insurers may apply to a court for an order, directing such co-operation” (Sec. 157).

“No claim against the fund shall be allowed in any case in which the court shall find upon the hearing for the allowance of the claim, that the judgment upon which the claim is founded was obtained by fraud or by collusion of the plaintiff and of any defendant in the action relating to any matter affecting the cause of action upon which such judgment is founded or the amount of damages assessed therein” (Section 165).

22. *Conflicting findings in criminal courts and Tribunals*—It has been pointed out that there have been cases in which the findings recorded by civil courts and Claims Tribunals differed from the verdict given by criminal courts in respect of cases arising out of the same accident. The Insurance Department of the Mysore Government have stated that there were two such cases between 1959-60 and 1961-62, and the Insurance Association of India, 13 cases. Such conflicting judgments may arise from the fact that the onus of proving the rashness or negligence of the driver of a vehicle rests on the police authorities who prosecute him in a criminal case, and the victim of the accident is merely a witness in the case. In the civil proceedings, on the other hand, the burden of establishing a claim for compensation

rests on the victim of the accident and he spares no pains in collecting all the relevant materials including some which may not be readily available to the prosecuting authorities in a criminal case. That there is no *res judicata* in these proceedings and that the verdict of a criminal court will neither help nor prejudice a civil claim for damages do not appear to be generally known, and this misunderstanding is sometimes responsible for a victim's delaying his claim before a Tribunal or a court it is barred by limitation. We would recommend that in every case of road accident in which the police commence prosecution of the owner or driver of a vehicle and also every case of hit-and-run accident, they should be instructed to let the victim of the accident or his legal representative simultaneously have a circular in the regional language explaining the remedy that is available, the procedure for application for compensation and the time limit for filing it. The Union Ministry of Transport can draft a model circular for this purpose.

23. With a view to ensure that a poor person, who is the victim of an accident, does not lose the benefit which, under the statute, he is entitled to obtain from the insurer it has been suggested that the police should be required to forward all F.I.Rs relating to motor accidents involving third parties to the Claims Tribunals for initiating *suo moto* action for the settlement of compensation.

24. Apart from the increase in the volume of work which this will involve, it is to be remembered that even if proceedings are commenced *suo moto*, no award can be made by the Tribunal unless the aggrieved party appears and leads evidence to prove the negligence of the driver. The impartiality of the Tribunal will be open to doubt and the apprehension will be created in the minds of the drivers/owners of vehicles and the insurers that it has already made up its mind if it undertakes the role of a complainant as well as judge. We are, therefore, in respectful agreement with the view conveyed by the Madras High Court through the Madras Government that a simpler remedy will be to request the criminal courts, by a general circular, to draw the attention of the victim to his right to move the Tribunal for compensation at the time of pronouncing a judgment of conviction, and to state at the foot of the calender which accompanies the judgment that they have made the above direction.

25. The purpose in view, viz., that no case, where compensation is due, goes by default by reason of the ignorance or poverty of the victim, will be met if this is done in addition to the recommendations we have made in para 23 of Chapter III and para 22 above about (i) communication by the police authorities, of all F.I.Rs to the National Road Safety Council and (ii) the prosecutor's explaining the position in law about adjudication of compensation by Tribunals to the victim. We would suggest further that copies of police records should not be withheld from the parties during the pendency of the criminal proceedings on the mere ground that the case is sub judice.

26. *Limitation for filing claim applications before Tribunals*—The period for instituting a suit before a civil court is one year. Before the Motor Accidents Claims Tribunals, however, a claim application has to be filed within 60 days from the occurrence of an accident. The Tribunal can entertain an application filed beyond 60 days

if it is satisfied that the applicant was prevented by sufficient cause from making the application in time.

27. The term "sufficient cause" is not defined anywhere in the Motor Vehicles Act. Under the rules, an application can be sent to the Tribunal by post. It is argued that an injured party, who is convalescing in the hospital, can send the application by post and in such a case it cannot be said that he has, if he does not file the application within 60 days, been prevented by sufficient cause from making it in time. This argument will not obviously be valid in all circumstances. For instance if the injury is grievous, the victim may take long to recover, even partially. The medical authorities may not also find it possible to give any definite opinion on the nature of an injury and certify whether the disability, if any, will be temporary or permanent. In some cases, the effect of an injury may not appear to be serious immediately after the accident but may result in a permanent incapacity at a later stage.

28. It has been pointed out that in assessing the damages, the court has also to consider the duration of the pain. In some cases, a series of skin grafting operation may have to be performed. In others the fracture of a bone may require more than one operation to set it properly. In between these operations, the party may suffer from shock and nervous disturbance. In such cases, it becomes difficult for the court to determine what compensation in money should be awarded for the wrongful act.

29. The other reasons set out for extending the limitation period of two months include:—

- (i) difficulty in getting details, from various quarters, of the name and address of the driver, owner and insurer, the registration number of the vehicle etc; and
- (ii) in fatal accidents the distress and shock suffered by the relatives or dependants as a result of the sudden calamity and their natural disinclination to make claims for damages or, in any case, to conduct the enquiries and secure the legal advice necessary for this purpose during the period of mourning.

30. We are told that in Maharashtra 30—40 applications have been annually filed beyond time during the years 1959-60, 1960-61 and 1961-62 and that about 10—15 of such applications were rejected by the Tribunal. In Punjab the position is as under:—

Year					No. of cases in which extension of time was asked for	No. of cases in which petition for time was rejected
1959-60	..	..	..	..	170	79
1960-61	..	..	..	..	108	39
1961-62	..	..	..	..	130	40

Similar information is not available from the other States. It is also likely that in some cases, people refrain from filing applications when they discover that they are strictly out of time.

31. Public opinion is overwhelmingly in favour of raising the time limit from 2 to 6 months and neither the insurers nor the State Governments have any specific objection to this proposal. We recommend accordingly that the period within which an application for claims should be filed before the Claims Tribunal may be increased to six months from the date of the accident, and that existing provision vesting the Tribunals with the discretion to extend it if there is sufficient cause may also be retained.

32. *Court Fees*—In most of the States a sum of Rs. 10 has been fixed as the fee for filling a claims application, irrespective of the quantum of the claim. Though according to the Madras, Punjab and Rajasthan Governments, this fee has not been found to be an inducement to file frivolous or exaggerated claims, the general view is that it is expedient to charge an *ad valorem* fee. It has been stated that a tendency to inflate their claims was noted on the part of applicants in Maharashtra where the fee, which had been charged on an *ad valorem* basis, was recently fixed at Rs. 10. It has also been pointed out that even when the fee had been levied on *ad valorem* basis, applications were admitted *in forma pauperis* where the applicants satisfied the courts that they were not in a position to pay the fee. It has been suggested that a fee on *ad valorem* basis may serve as a deterrent to fraudulent or magnified claims.

33. In this connection, it is important to note the distinction between General Damages and Special Damages. Lord Goddard states the distinction in the following terms:—

“In an action for personal injuries the damages are always divided into two main parts. First there is what is referred to as special damage which has to be specially pleaded and proved. This consists of out-of-pocket expenses and loss of earnings incurred down to the date of trial, and is generally capable of substantially exact calculation. Secondly, there is general damage which the law implies and which is not specially pleaded. This includes compensation for pain and suffering and the like and, if the injuries suffered are such as to lead to continuing or permanent disability, compensation for loss of earning power.” (1956 A.C. 185).

The parties usually agree upon the amount of special damages claimed.

34. A form of pleading showing all necessary information distinctly and separately, can be adopted for this purpose with advantage. A specimen form is given below:—

“In the premises the plaintiff sustained personal injuries accompanied by pain and suffering, and has incurred consequential loss and expenses.

*Particulars of personal injuries*—

- (a) Nature of injury.
- (b) Medical treatment.

(c) Continuing effect of the injury.

(d) Disability for work.

*Particulars of loss and expenses—*

(i) Loss of earnings from .....	to .....	Rs.
(ii) Partial loss of earnings from .....	to .....	at the net rate of Rs. .... a day/week Rs.
(iii) Transport to Hospital.		Rs.
(iv) Extra nourishment.		Rs.
(v) Damage to clothing & articles.		Rs.
	<b>Total</b>	<b>Rs.</b>

*Benefits accrued—*

And the plaintiff claims damages Rs. .... "

Here the applicant is claiming a definite sum; and we recommend that a court fee of one rupee should be charged if the claim is confined to such special damages.

35. If any general damages are claimed, an ad valorem fee should be charged on the aggregate of the special and general damage claims. We recommend the following scale for this purpose:—

<i>Amount of claim</i>	<i>Amount of court fee</i>
Up to Rs. 5,000	Rs. 10.
From Rs. 5,001 to Rs. 50,000	1/4% of the amount of claim.
From Rs. 50,001 to Rs. 100,000	1/2% of the amount of claim.
Above Rs. 100,000	1% of the amount of claim.

In our view the proposed scale will dampen exaggerated claims without imposing a serious strain on claimants with moderate or insufficient means.

In making its adjudication, the Tribunal, as a rule, awards cost of the proceedings to the successful applicant. The applicant may not, therefore, be out of his pocket by reason of the court expenses, as long as his claim is not exaggerated or false.

36. *Delays in payment of compensation*—Since any delay in the payment of damages defeats the very purpose for which the damages are awarded we suggest that penal interest at the rate of  $4\frac{1}{2}\%$ , should be prescribed on the amount in arrear, unless the Tribunal has itself allowed extension of time for payment of any part of the amount for any reason. This penal interest should be charged even in cases in which the compensation has already been paid from the Central Third Party Insurance Fund and the National Road Safety Council files a suit against the owner or driver of the vehicle either jointly or severally. This levy should be, without prejudice, to the execution proceedings to which resort may be made in the event of default.

## CHAPTER VIII

### MISCELLANEOUS

We now proceed to deal with various points of importance that have either been included in the terms of our reference or raised before us in the course of the enquiry but not covered so far by us.

2. *Feasibility of a grace period for renewal of policies*—According to their self-imposed tariff regulations and code of conduct, the insurers cannot assume responsibility for any risk unless the requisite premium is paid in advance. In order, therefore, to retain the existing business on their books they issue renewal notices to all their insured generally a month in advance; it appears that reminders are also sent to ensure renewal in time. The question for consideration is whether there is scope for their giving a "grace period" after the expiry of a policy to maintain the continuity of insurance even in a case in which, by inadvertence or other-wise, renewal is not effected earlier.

3. It has rightly been emphasised by the insurers that there cannot be a legal liability after the expiry of the contract of insurance. It has further been pointed out that there is no certainty (i) either of insurance premium being paid for the proposed grace period, or (ii) of the policy being renewed with the same insurer or (iii) of the vehicle not being transferred or sold or (iv) even of the insurer being prepared to accept the risk in every case.

4. Since the responsibility for taking a valid policy of insurance for a vehicle rests on its owner, we see no good reason to suggest any grace period for renewal of a compulsory insurance policy. If a grace period is allowed as a part of the original contract of insurance by charging an increased premium, it will amount merely to increasing the period of insurance; and it is doubtful whether any definite advantage will accrue from such a course for a person who has failed to renew his insurance in time, in spite of prior notice, may not become more alive to his responsibility during the period of grace.

5. What is required is, therefore, not any new concession, but the tightening of the enforcement machinery to bring offenders to book. The insurers are required at present to notify only cancellation or suspension of policies to the registering authorities under Section 105 of the Motor Vehicles Act. We recommend that particulars of all vehicles, the policies in respect of which have not been renewed by an insurer should be required to be reported to the Transport Commissioner/Controller/Director of Transport of the State where the vehicles were last registered.

6. Since the number of such cases may not be large, the insurers may have no great difficulty in furnishing all the information available with them to the transport authorities who should transmit it to the concerned police and taxation authorities for necessary check. Deterrent punishment should be imposed whenever an investigation reveals that it is not a case of change of insurer but deliberate avoidance of insurance.

7. *Separate accounts for Act liability insurance*—One of the principal recommendations of the First Insurance Committee was that the insurers' revenue accounts of compulsory insurance should be framed in such a way as to give a clear picture of the business transacted. The Committee had expressed the hope that if the insurers found it necessary at any time to increase premium rates, they would take the public into their confidence and furnish the reasons for any such increases. We find, however, that separate accounts are not at present being maintained for compulsory insurance business.

8. It has been pleaded before us that establishment and other expenditure is common to the entire business of the insurers and it is difficult to allocate the different items of expenditure to the Act liability business. It has been mentioned that comprehensive policies are often taken by vehicle-owners and there is no need or scope for keeping separate accounts for statutory coverage in such cases.

9. We cannot bring ourselves to believe that it is beyond the ingenuity of the insurers to devise a rational formula for computing the results of each head of insurance. A broad basis can be the actual payments of claims under each head and a *pro rata* share of the other relevant outgoings. Even if the preparation of such accounts entails additional labour or expenditure, it will be justified, since it is essential to convince the public that the Act liability is not utilised to feed or subsidise the other business of the insurers—that a man who is compelled to insure under the law in the interests of third parties is not asked to make any additional payment in order to reduce the premium payable by, say, a person taking a comprehensive insurance policy to safeguard his own interests.

10. We would accordingly recommend that the insurers should not only be required to keep separate pro forma accounts for Act liability insurance but submit them to the Controller of Insurance as a separate revenue account in terms of the Insurance Act and that statistics relating to the following should also be furnished along with the revenue accounts:—

- (i) number of cases in which only Act liability policies were taken;
- (ii) number of cases in which full third party insurance policies were taken;
- (iii) number of comprehensive policies;
- (iv) premium receipts separately for (i), (ii) and (iii);
- (v) claims settled by award (no. of cases and amount);
- (vi) claims settled out of court (no. of cases and amount);
- (vii) number of cases in which adjudicated claims were not satisfied within 3 months, with the total amounts involved;
- (viii) number of cases in which policies were totally voided;
- (ix) number of cases in which claims were repudiated on the ground that the terms of the policy had not been observed by the insured.

11. The Madras Government have brought to our notice that there were instances when an insurance company challenged the authority of the Regional Transport Officer to require information from the company regarding compensation, if any, paid to the third party involved in an accident on the ground that the information was confidential and that the claim for compensation should be pursued with the owner and the driver of the vehicle in the first instance and their negligence established. We suggest that suitable rules should be made under Section 111 of the Motor Vehicles Act requiring insurers to furnish (i) periodical returns and reports of the number of Act liability policies issued for the vehicles in each State, and (ii) such specific information as may be needed by the State Governments and the National Road Safety Council, in regard to particular policies.

12. *Free Legal Aid and Claims Brokers*—Under the rules framed under the M.V. Act, it is left to the discretion of the Tribunal to permit the appearance of Advocates. We are informed that on the request of the Tribunal, Advocates do appear in the proceedings as *amicus curiae*. There can be no two opinions on the need for arranging for legal aid for deserving claimants.

13. Under a scheme approved by the West Bengal Government, the eligibility of a person for free legal aid will be determined by the Legal Aid Society or Legal Aid Committee formed for the purpose and legal aid in deserving cases will be granted out of a legal aid fund established by grants from Government. Costs awarded in favour of a person who receives legal aid shall be realised and credited to Government.

14. The Maharashtra Government are of the view that free legal aid may be provided in cases where the claimants are women and males who have not attained majority or whose annual income does not exceed Rs. 1500. Such aid may be provided through panels of lawyers to be maintained by the Tribunals, and for this purpose an honorarium or fees at 5 per cent of the claims awarded subject to a maximum of Rs. 200 may be prescribed.

15. We recommend that the National Road Safety Council should be in active touch with free legal aid societies where they exist and have panels of lawyers, where there are no such societies for free aid in cases where applications are made in *forma pauperis* and also in cases of the type mentioned by the Maharashtra Government.

16. A suggestion was made that a system of claims brokers might ensure that innocent victims got due relief. The evidence of witnesses is, however emphatically against this suggestion. It has been pointed out that the system will result in the brokers making capital out of the predicament of innocent sufferers. We agree that there is a danger that the intermediaries may act as touts and instead of facilitating the recovery of claims, they may indulge in malpractices inciting unreal claims by exploiting the gullibility and ignorance of poor people. Undesirable types of people may get into business and flourish at the cost of the applicants for relief, owners of vehicles and

the insurers. Since this may lead to maintenance and champerty and contravene the basic principles of administration of justice, we are of the view that it should be discouraged.

17. *Payment of Compensation on Compassionate Grounds*—Any provision for payment on compassionate grounds, irrespective of contributory negligence, will be outside the ambit of the M.V. Act and the question whether any gratuitous relief can be provided as a measure of charity is outside the scope of our reference. We may point out, however, that the relief, if any, cannot be confined to victims of accidents caused by motor vehicles alone and that its implications will be very far-reaching.

18. The Punjab Government have suggested that a certain minimum sum should be required to be paid to meet the medical expenses incurred by the third party victim even if he is at fault. We consider that the provisions of Section 89 which call on the driver of a vehicle or other person in charge of it to take all reasonable steps for securing medical attention for the injured person and if necessary, convey him to the nearest hospital, unless the injured person or his guardian, in case he is a minor, desires otherwise, are adequate. They are more suited to the conditions in this country than the comparable provisions of Sections 213 and 214 of the Road Traffic Act, 1960, of the United Kingdom which prescribe the payment of a sum of 12 shillings and 6 pence per individual for urgent medical treatment.

19. *Cooperative Insurance*—On the basis of replies received so far from the State Governments it appears that while three Co-operative Insurance Societies have been set up in Gujarat, two in Orissa and one in Bihar, no headway has been made in the States of Mysore, Madras, West Bengal, Punjab, Jammu and Kashmir and U.P. and the Administrations of Tripura, and Manipur. Particulars regarding the other States have not been received. The reasons why the provisions of Section 108 of the M.V. Act regarding insurance cooperatives have evoked such a poor response have not been explained with any precision by any of the State Governments. The general feeling however, is that this line of business is complicated and is not also likely to be sufficiently remunerative to induce owners of commercial vehicles to form cooperative societies to undertake it. Since a separate Study Group has been constituted by the Planning Commission to deal with the subject of Cooperation in the field of transport, we do not propose to go into the matter here. We have no doubt that the Study Group will suggest appropriate measures for ensuring that the provisions of Section 108 are adequately availed of.

20. *Self-Insurance and Exemption from Insurance*—The First Insurance Committee recommended that provisions on the lines of Section 35(4) of the U.K. Road Traffic Act, 1930, exempting any person, who had deposited £15 000 with the Accountant General of the Supreme Court, from the obligation of compulsory insurance and of Section 33 giving injured parties preferential claims against this sum, which enabled large Corporations to carry their own insurance, might be adopted in India. The Committee suggested that the amount of deposit might be fixed at Rs. 1 lakh in this country in order to conform to the deposit demanded from the insurance companies before

1937. This recommendation has not been accepted by the Government of India for the reason, among others, that there is no demand for such self-insurance in this country, evidently because the vast majority of transport operators own a single vehicle each and the few who have fleets of any size, find that the balance of advantage lies in taking a policy of insurance from an insurance company.

21. As regards the State Transport Undertakings, exemption from the operation of sub-section (1) of Section 94 of the Motor Vehicles Act is allowed to an Undertaking if it establishes and maintains a fund for meeting compensation liabilities, if any, to third parties, in accordance with the rules prescribed in this behalf. Though the relevant rules [viz. the Motor Vehicle (Third Party Insurance) Amendment Rules, 1960] were notified about three years ago, some of the State Transport Undertakings are yet to comply fully with their requirements; information about the funds set up by the various Undertakings, to the extent available, is included in the appendices. No specific complaint about any delay in the payment of damages by any Undertaking has been received by us. Even so, there cannot be two opinions about the need for their conforming strictly to the rules regarding the statutory funds.

22. As for Government vehicles, not engaged in any business operation, they carry their own insurance. We tried to collect information about the number of vehicles belonging to the various State Governments used for government purposes unconnected with any commercial enterprise, which were involved in accidents resulting in bodily injuries to the drivers or to third parties. Unfortunately complete information is not available. We would suggest that the Transport Department of each State Government should maintain a proper record of the Government vehicles which are exempt from insurance and also details of the accidents in which the vehicles are involved including the compensation paid to claimants in these accidents and the basis on which the compensation is paid, i.e., by adjudication or out-of-court settlement. It will not be possible to arrive at an overall assessment of the damages involved in road accidents in the country as a whole unless this statistical information is also available, since the information furnished by insurers and the National Road Safety Council will not include any data relating to Government vehicles.

23. *Definition of a Public Place in the Act*—Section 94 of the Act prohibits a person from using or causing or allowing any other person to use a motor vehicle in a public place unless a policy of insurance is in force in relation to the use of the vehicle by that person or that other person, as the case may be. The effect of Section 94 is that the insurer is liable only if the accident is caused by the person covered under the policy and that the accident is caused in any public place. If, therefore, an injured party wants to proceed against the insurer in respect of an accident which did not occur in a public place, his remedy is only a suit in a civil court. It has been suggested that such action may also be entertained by the Claims Tribunal.

24. Since accidents, which do not occur in a public place only are outside the purview of the M.V. Act, we do not think that any provision needs to or can be made in the Motor Vehicles Act in regard to the

claims arising from them. There is, however, scope as proposed by the Maharashtra and Punjab Governments, for making it clear and compensation resulting from a vehicle getting out of control and knocking down a person or crashing into a shop or a building not strictly on a thoroughfare should be taken to be covered by compulsory insurance. That is to say, any accident should for the purposes of Chapter VIII of the Motor Vehicles Act, be deemed to have occurred in a public place notwithstanding that the person injured or the property damaged was actually not there, if the cause of accident or the error of omission or commission which had led to it had occurred there. We would recommend such a clarification in Chapter VIII, though the Insurance Association of India appears to think that there is no ambiguity in the matter and the existing provisions are wide enough to cover accidents of this nature.

25. *Transfers of Insurance Policies*—There is some difference of opinion about the transfer of insurance on the sale of a vehicle. The Madras High Court has held that even if the insurer has some ground which will entitle him, as against the insured, to avoid the policy or have it declared as void, that will not protect the insurer from liability to pay the victim of the accident to the extent covered by the policy. According to the High Court, it is the necessary and logical implication of the theory of compulsory insurance in respect of third party risks and any alternative view will result in injustice to parties injured in an accident.

26. A contrary view has been expressed by the Madhya Pradesh High Court, which has ruled that an insurer is entitled to disown his liability if the insured fails to disclose to him the material fact that he has transferred the possession of the vehicle.

27. From another recently reported case of the same High Court, it would appear that the insured had given due notice to the insurance company of the transfer of the vehicle and yet the company disputed its liability on the ground that the liability was a contractual one and that it had not given its assent to substitution of the insured by the transferee in its policy. The court has held, however, that, in this particular case, by its failure to communicate its rejection of the transfer of the policy, the company must be taken to have acquiesced in it.

28. The difficulty stems from the fact that a policy of insurance does constitute a voluntary contract between the insured and the insurer in this country, unlike New Zealand where what is insured is the risk pertaining to a particular vehicle and not to its owner, and where by the mere payment of the premium and the nomination of an insurer at a post office, the risk is covered.

29. We would recommend that a provision should be made in the M.V. Act, requiring that a person who wants to transfer a policy of insurance before its expiry should give the minimum notice of a week commencing from the date of receipt of his letter by the insurer for the purpose; and the insurer's failure to respond to it within this week should be taken to amount to concurrence. We wish to impress on the insurers in this connection that even stray attempts by a few of them to wriggle out of their obligation in genuine cases on grounds that

are merely technical may eventually lead to radical changes in the compulsory insurance provisions of the Motor Vehicles Act and it is, therefore, advisable to develop as a part of their Code of Conduct, conventions which are humane without being commercially inexpedient.

30. *Bad Risks*—It has been reported by the Insurance Association of India that there were only five cases altogether during 1959—61 where the insurers had to decline to renew a policy on the ground that it involved a bad risk. We would suggest that, as in France, either the National Road Safety Council or the Oriental Fire and General Insurance Company Ltd., which is a subsidiary of the Life Insurance Corporation of India, should underwrite the third party risk in cases of this character on such terms and conditions and at such rates of premium as it considers fit.

31. *Indemnification without going to Tribunal/Court*—It is undoubtedly desirable to have cases settled, if possible, without recourse to formal proceedings before Claims Tribunals or civil courts. Where, however, a case cannot be so settled, the machinery of the Tribunal is invaluable for justice should not merely be done but appear to be done. A regular enquiry by a judicial Tribunal will not merely ensure a fair assessment of compensation but is likely to give more satisfaction to the parties concerned than an administrative arbitration. The National Road Safety Council will be rendering a very useful service if it brings about acceptable compromises and reduced litigation; but we are opposed to dispensing with the judicial procedure where a compromise does not materialise.

32. *Scale of compensation*—We have given serious thought to the question whether it will be proper to specify the maximum and/or minimum amount of compensation payable for certain injuries. The damages a party is entitled to will depend on the nature of his injury, the medical evidence, his social standing, his financial condition etc. As Viscount Dunedin (1922-2AC) points out,

"In calculating damages you are to consider what is the pecuniary consideration which would make good to the sufferer as far as money can do so, the loss which he has suffered as a natural result of the wrong done to him".

Since damages for personal injuries are not in the nature of a penalty on the owner or driver of a vehicle or a reward to the victim, but have to be evaluated on the facts of each case, it will not be equitable to lay down a rigid scale of compensation or even fix the maximum permissible in any case.

33. We are, however, in favour of specifying a minimum amount of compensation for certain injuries and leaving the amount of additional compensation payable with reference to the impairment of the earning capacity of the injured to the discretion of the Tribunal. We would suggest that the minimum compensation payable for various injuries should be fixed on the basis of the minimum prescribed in the Workmen's Compensation Act for a person in the lowest income group. This will ensure uniformity of treatment in cases of utter poverty and also expedite the disposal of claims in such cases.

34. *Chronic Claimants and Accident-prone Drivers*—It has been argued before us that if the provisions of the Motor Vehicles Act are liberalised and it becomes easy to secure compensation, fraudulent claims as well as the tendency to drive recklessly will get encouragement. We would discount such a possibility, since none of the recommendations made by us is likely to lend itself to easy abuse. We would suggest at the same time, that spurious and collusive claims can be detected if the plaintiff and the defendant are required to furnish the following information in every case:—

*In the plaints:—*

- (i) whether the plaintiff had been involved in any other road accident earlier, (In case he was, details of the accident should be set out).
- (ii) whether he had preferred a claim for damages in any case earlier, and if so, with what result.
- (iii) whether he is related to or has known the defendant, and if so, how?

*In the Defence:—*

- (i) particulars of all earlier accidents in which the defendant had been involved,
- (ii) the amount of compensation paid in the accidents, the name and the address of the victim and the name of the insurer who paid the damages, and
- (iii) his connection, if any, with the claimant.

The insurers should also consider the advisability of setting up a common Claims Investigation Bureau for keeping track of persons who thrive on claims and make them a fine art.

As for irresponsible and rash drivers, we understand that proposals for several amendments to the Motor Vehicles Act to enable the exercise of stricter control over the drivers and owners of vehicles are under consideration in the Union Ministry of Transport.

35. In addition to any other action that may be under consideration, we would suggest that copies of all orders awarding any compensation should be required to be sent by the Claims Tribunal to the Licensing or Regional Transport authorities concerned for appropriate action against the drivers and owners of the vehicles in case either criminal proceedings have not already been initiated against them or they have proved unsuccessful for lack of evidence.

36. *Publicity for the Provisions of Chapter VIII*—As we have pointed out in para 11 of Chapter III, the total number of claims for compensation preferred by third parties before Civil Courts/Claims Tribunals are an inconsiderable percentage of the total number of accidents every year. It is improbable, in our view, that the cases where compensation could have been legitimately claimed, were so small in number. We suggest that the National Road Safety Council should, as soon as it is constituted, examine the steps necessary for giving adequate publicity to the provisions of Chapter VIII in English and the various regional languages in the light of the conditions obtaining in the different States.

37. Insurance is however, only the negative aspect of the road safety problem; it serves merely to make good the damage that has already been done. We shall not be solving this menacing problem if we confine our attention to the effects and do not go to the root causes which include defective licensing and inspection systems, inadequate road signs, bad road lay-out, failure to disperse offices from congested areas and stagger the office hours in big cities etc. A rise in the number of road accidents may reflect also the offenders' lack of consideration for other users of the road or their lack of mental balance or even a general decay of the sense of social responsibility and discipline. It will be evident from the statistics that we have given in Chapter III that it is only continuous study and research by a statutory body, like the proposed National Road Safety Council, that can bring public attention to focus on it. We hope that the Council will be able to function effectively, that the State Governments will take active interest in its work and the public will also make full use of it.



## CHAPTER IX

### SUMMARY OF MAIN CONCLUSIONS AND RECOMMENDATIONS

#### *Chapter III—Road Accident Statistics—*

(1) The National Road Safety Council, the establishment of which is under the Government of India's consideration, should, study the reasons why the number of cases in which compensation is actually paid is much less than the number of cases in which, according to accident reports, the driver is in the wrong (Para 13).

(2) The recording and reporting of full particulars of all accidents resulting in third party property damage should be made obligatory under the Motor Vehicles Act, which, at present, contains provisions covering only third party injuries (Para 14).

(3) A provision should be made in the Motor Vehicles Act requiring the maintenance of an accident register for every transport vehicle operating on an inter-State route (Paras 17 and 18).

(4) The Road Accident Report Form evolved in the First Study Week in Traffic Engineering and Highway Safety organised by the Government of India in 1959 at Bombay under the auspices of the ECAFE, may be adopted in this country. In addition to the information covered by this form, further essential details about the insurance of the vehicle involved in an accident should be obtained. All India statistics of uninsured vehicles, hit-and-run accidents, etc., should also be systematically collected. The insurers should also be asked to furnish particulars of their annual premium receipts, compensation payments etc., to the National Road Safety Council as well as the Controller of Insurance (Paras 19—22).

(5) The National Road Safety Council should be vested with the statutory responsibility for not merely processing accident data through an Accident Record Division and coordinating any researches that are necessary, but also publishing the results of its studies. The Police authorities should be required to send copies of their First Information Reports to the Council within 48 hours of each accident (Para 23).

#### *Chapter IV—Third Party Victims—*

(6) The Motor Vehicle Taxation Acts in the different States should be suitably amended to make it impossible for a vehicle owner to pay the tax for a period extending beyond the period covered by the insurance of the vehicle (Para 6).

(7) Claims Tribunals should be empowered to recover adjudicated damages like arrears of land revenue from the owner or driver of a vehicle which is not insured or liability in regard to which is repudiated by the insurer on valid grounds. The power should also be available in the case of a transport vehicle when the damages awarded exceed the amount of insurance (Para 7).

(8) The Motor Vehicles Act should be amended to provide also for penalty up to Rs. 1,000 for deliberate misrepresentation by an owner of a vehicle for securing a certificate or policy of insurance and for any vexatious attempt by the insurer to wriggle out of his liability by any false statement of facts (Para 15).

(9) Insurers should be required to make a separate deposit for Act liability cases by an amendment of the M.V. Act. The exact amount of deposit should be prescribed by the Comptroller of Insurance, taking the insurer's volume of Act liability business into account in accordance with a formula which he can evolve in consultation with the insurers. The deposit should be earmarked for payment of any claims that are unreasonably delayed or that may be settled after the insurer goes into liquidation, such course of action in every case being subjected to the prior scrutiny and sanction of the Controller of Insurance (Para 16).

(10) The agency commission for Act liability insurance should be reduced to 10 per cent from the present rate of 15 per cent (Para 44).

(11) A Central Third Party Insurance Fund should be set up for compensating innocent victims of accidents involving (i) uninsured vehicles, (ii) vehicles with ineffective certificates or policies of insurance, (iii) unidentified vehicles, (iv) stolen vehicles and (v) insolvent insurers, and also victims of accidents in which there is no contributory negligence on the part of either the owner or driver or victim himself. This fund should be administered by a Special Committee of the National Road Safety Council which should include the Controller of Insurance and representatives of the insurers. Contributions should be collected for this fund in the form of a surcharge equal to 5 per cent of the third party compulsory insurance premium payable by vehicle owners and also from the following sources—

- (i) The premium that should have been paid in the normal course by the owner of an uninsured vehicle for the period he has not taken a valid insurance policy for it, together with penalty for the default, which should be equal to the amount of arrear premium.
- (ii) Contribution from State Transport Undertakings based on the premium that will be payable by them but for their exemption from insurance.

Payments from the fund should be restricted to claims settled by a Claims Tribunal or a Civil Court, subject to a maximum of Rs. 10,000 per individual and Rs. 20,000 per accident exclusive of interest and cost. The National Road Safety Council should be entitled to sue the owner or operator or driver of a vehicle for reimbursement of any amount paid by it in pursuance of the Tribunal's/court's order. It should be allowed to be impleaded as a defendant in all cases where it is called upon to make the compensation payment (Paras 43 and 46 to 52).

#### *Chapter V—Insurance of Transport Vehicles—*

(12) The owner of every stage carriage and contract carriage should be required to take a policy of insurance that will compensate the passengers in the event of an accident for which neither the owner

nor the driver of the vehicle was responsible, unless there is contributory negligence on the part of a victim (Para 3).

(13) The existing limits of the amount of insurance policy for employee and third party liability for a transport vehicle should be increased from Rs. 20,000 to Rs. 50,000 for a vehicle under Section 95(2) (a) and (b). There should also be a further increase in the amount of policy for passenger risk insurance from Rs. 2,000 to Rs. 5,000 per individual passenger if it is a bus and from Rs. 4,000 to Rs. 10,000 per passenger if it is a taxi under Section 95(2) (b). A vehicle capable of carrying upto 30 passengers may be compelled to insure for Rs. 50,000 a vehicle with a carrying capacity ranging from 30 to 60 for Rs. 75,000 and a vehicle with a large capacity for Rs. 1 lakh (Para 10).

#### **Chapter VI—Third Party Property Insurance—**

(14) Insurance against damage to third party property for a sum of Rs. 2,000 in one accident should be made compulsory; claims should be required to be lodged before Claims Tribunals in all cases where they do not exceed this amount. Even if the claim for damage to property exceeds Rs. 2,000, the victim of an accident, who has suffered personal injury, besides damage to property, and who files a claim for compensation for the injury before a Claims Tribunal should be entitled to prefer the property damage claim also before the Tribunal. Fees may be levied in respect of property claims on the same *ad valorem* basis as in the civil courts (Paras 6 and 7).

#### **Chapter VII—Claims Tribunals—**

(15) The Kerala, Uttar Pradesh, Mysore, Andhra Pradesh and Rajasthan Governments should constitute Tribunals without further delay, thus obviating the need for an amendment of the Motor Vehicles Act for setting up Tribunals compulsorily (Para 3).

(16) Full particulars of the insurer, driver, and the owner of a vehicle involved in an accident and of the witnesses to the accident, including occupants of the vehicle, should be obtained and recorded by the Police in the First Information Report or as soon thereafter as possible and these should be forwarded to the National Safety Council promptly (Para 6).

(17) The Motor Vehicles Act should be amended to empower a Claims Tribunal to summon the driver or owner of a vehicle as a witness, and also impose a fine on the delinquent driver who remains absent or fails to produce the evidence in his possession, up to a maximum of Rs. 2,500 and/or suspend/cancel the driving licence/permit/registration certificate (Para 10).

(18) A Claims Tribunal should also be enabled to permit an insurer to defend an action directly where it is satisfied that—

- (i) There is lack of cooperation on the part of the insured or his agent who was in possession of the vehicle or of other persons connected with him, or
- (ii) there is collusion between the insured and the person who preferred the claim (Para 20).

(19) In every case of accident in which the Police commence prosecution of the owner or driver of a vehicle, and also every case of hit-and-run accident, the Police should be instructed to let the victim of the accident or his legal representative simultaneously have a circular in the regional language explaining the remedy that is available, the procedure for application for compensation and the time limit for filling it. The Union Ministry of Transport should draft a model circular for this purpose (Para 22).

(20) The criminal courts should be requested by a general circular to draw the attention of the victim of an accident to his right to move the Tribunal for compensation at the time of pronouncing a judgment of conviction and to state at the foot of the calendar which accompanies the judgment that they have made the above direction (Para 24).

(21) Copies of police records should not be withheld from the parties of a claims case during the pendency of the criminal proceedings on the mere ground that the case is subjudice (Para 25).

(22) The period within which an application for claims should be filed before the Claims Tribunal should be increased to six months from the date of the accident (Para 31).

(23) A court fee of Re. 1/- should be charged if the claim in a case of accident is confined to special damages. If any further general damages are claimed, an *ad valorem* fee should be charged on the aggregate of the special and general claims on the following scale—

Amount of claim	Amount of court fee
Upto Rs. 5,000 .. .. ..	Rs. 10
Rs. 500—50,000 .. .. ..	1/4% of the amount of claim
Rs. 50,001—100,000 .. .. ..	1/2% of the amount of claim
Above Rs. 100,000 .. .. ..	1% of the amount of claim

(Paras 34 & 35)

(24) Penal interest at the rate of  $4\frac{1}{2}$  per cent should be payable on the amount of compensation in arrear, unless the Tribunal has itself allowed extension of time for payment of any part of the amount for any reason. This penal interest should be charged even in cases in which the compensation has already been paid from the Central Third Party Insurance Fund and the National Road Safety Council files a suit against the owner or driver of the vehicle either jointly or severally (Para 36).

#### Chapter VIII—Miscellaneous—

(25) The insurers should be required to notify not merely cancellation or suspension of policies but particulars of all vehicles the policies in respect of which have not been renewed by them, to the Transport Commissioner/Controller/Director of Transport of the State where the vehicles were last registered (Para 5).

(26) The insurers should be required to keep separate proforma accounts for Act liability insurance and submit them to the Controller of Insurance as a separate revenue account in terms of the Insurance Act and statistics regarding the different kinds of motor insurance policies, premium receipts, claims etc., should also be furnished along with the revenue accounts (Para 10).

(27) Suitable rules should be made under Section III of the M. V. Act requiring insurers to furnish (i) periodical returns of the number of Act liability policies issued for the vehicles in each State and (ii) such specific information as may be needed by the State Governments and the National Road Safety Council, in regard to particular policies (Para 11).

(28) The National Road Safety Council should be in active touch with the legal aid societies where they exist, and have panels of lawyers where there are no such societies, for free aid in cases where applications are made in *forma pauperis* and also in cases where the claimants are women and males who have not attained majority or whose annual income does not exceed Rs. 1,500/-. The system of claims brokers is undesirable (Paras 15 and 16).

(29) The State Transport Undertakings should conform strictly to the relevant rules prescribed by the Central Government regarding motor vehicles third party insurance funds (Para 21).

(30) The Transport Department of each State Government should maintain a record of the Government vehicles which are exempt from insurance and also details of the accidents in which the vehicles are involved including the compensation paid to claimants in these accidents and the basis on which the compensation is paid (Para 22).

(31) An accident should be deemed to have occurred in a public place notwithstanding that the person injured or the property damaged is actually not there if the cause of accident or the error of omission or commission which had led to it had occurred there (Para 24).

(32) The owner of a vehicle who wants to sell it and also transfer the unexpired policy of compulsory insurance covering it to the vendee should, by an amendment of the Motor Vehicles Act, be required to give minimum notice, say of a week, commencing from the date of receipt of his letter by the insurer, for this purpose; and the insurer's failure to respond to it within this week should be taken to amount to concurrence (Para 29).

(33) The National Road Safety Council should underwrite the third party risk in cases where the insurers decline to renew a policy, on such terms and at such premium rates as it considers fit (Para 30).

(34) The National Road Safety Council should try to bring about claim settlements out of court; but the judicial procedure should not be dispensed with, where a compromise does not materialise (Para 31).

(35) The minimum amount of compensation should be prescribed for certain injuries and the amount of additional compensation payable with reference to the impairment of the earning capacity of the injured should be left to the discretion of the Claim Tribunals.

The minimum should be fixed on the basis of the amounts prescribed in the Workmen's Compensation Act for a person in the lowest income group (Para 33).

(36) The claimant and the defendant in every claims case should be required to furnish information about their relationship, if any, and about prior accidents in which either of them was involved (Para 34).

(37) Copies of all orders awarding compensation should be required to be sent by the Claims Tribunal to the Licensing or Regional Transport Authorities concerned for appropriate action against the drivers and owners of the vehicles in case either criminal proceedings have not already been initiated against them or they have proved unsuccessful for lack of evidence (Para 35).

(38) The National Road Safety Council should examine, in the light of the conditions obtaining in the different States, the steps necessary for giving adequate publicity to the provisions of Chapter VIII (Para 36).

*Acknowledgements*—We have received a full measure of co-operation from State Governments, State Transport Undertakings, Insurance Companies and the Insurance Association of India, Road Safety Associations, Automobile Associations, the Indian Road and Transport Development Association, Chambers of Commerce, Automobile Manufacturers & Dealers, the All India Motor Unions' Congress and other associations of transport operators and drivers, and various other organisations and individuals interested in road transport and road safety.

2. Our thanks are due to Dr. M. K. Ganguli, for interpreting some of the statistical information for us and for suggesting the form in which some of the essential data can be collected in future. He was ably assisted in this work by Shri K. C. Saksena and Shri G. Ramachandran.

3. We did not trouble the Government for separate staff for our enquiry but availed of the services of the staff of the Road Transport Division in the Transport Ministry. We place on record our appreciation of the rare efficiency and diligence with which Shri R. C. Gupta, who is at present an Officer on Special Duty with the Ministry, has assisted the Committee in its task and the very competent and willing Secretariat work turned out by Sarvashri R. S. Ohri, Dharampal Singh and Santokh Singh Meen.

We regret the delay in the submission of this report to the Government which has been due partly to the supervention of the current emergency and partly to the considerable time it has taken us to collect the necessary information from the State Governments and from other countries.

Sd/- G.A. DESAI

Subject to my separate Note

Sd/- A.A. JASDENVALA

Sd/- D.S. DIKSHIT

Sd/- A. NIYOGI

Sd/- S. KRISHNAMURTY

Sd/- K. SRINIVASAN

BOMBAY :

September 9, 1963

## NOTE OF DISSENT

After carefully considering all the issues involved and the views and opinions expressed by various persons and bodies, I wish to set out below my own views regarding certain matters dealt with in the report.

*Chapter IV—Third Party Victims—*

*Para 16—Insolvency of the Insurer*—I readily agree that insolvency of an Insurer should not be allowed to frustrate or thwart a victim's claim. I, however, do not think that it is necessary to call for a separate deposit for Act Liability cases as suggested in the report. Having regard to the fact that hardly any cases have come to notice where Insurers have failed to satisfy the Court judgements and also to the fact that the stringent provisions of the Company Law and, the Insurance Act would not allow weak financial units to operate, I consider that it will be enough if a portion of the statutory deposit made by Insurers in accordance with the existing provisions of the Insurance Act is earmarked for specially meeting the Third Party personal injury claims falling within the scope of Compulsory Insurance in the circumstances mentioned in the report.

*Para 34—Indian Motor Insurers Bureau or a Central Third Party Insurance Fund*—This chapter deals primarily with the problems of providing relief to innocent victims of motor accidents in certain cases in which relief is not available within the framework of Chapter VIII of the Motor Vehicles Act, as it stands. Either a statutory Third Party Fund can be set up to deal with such cases or Insurers can form their own voluntary organisation to provide relief in such cases on the lines of similar organisations set up in U. K. and other Commonwealth Countries.

The Insurance Association of India, vide their letter of the 17th August, 1963 have offered to organise a Motor Insurers' Bureau on the lines of similar organisations in other countries. The Bureau will undertake to discharge its obligations without expecting any contribution from the Government and will cover practically all types of cases mentioned in this chapter. If any modification of the scheme suggested by the Association is considered necessary, it can be worked out in consultation with the Insurers. The advantage of this scheme will be that based as it will be on an agreement between the Government and the Insurers, it will be flexible and capable of easy modification by mutual agreement whenever necessary.

Doubts have been expressed about inducing all Insurers to join a voluntary agreement with the Government. It is also doubted whether such voluntary agreement will have legal sanction and can always be effective. I have no doubt that Insurers in our country whether tariff, non-tariff or even other Insurers will move with the times and join the Bureau. The Insurance Association of India who have sponsored the scheme can be relied upon to do everything possible to enlist the support of all Insurers. If they require any support, backing or cooperation from the Government in this matter, it should be readily available to them. In my opinion once a Bureau is established there need not be any doubt or apprehension about such a well established industry as the Insurance Industry honouring its obligations under the agreement with the Government.

The point which I wish to make is that it is primarily the duty of Insurers to provide relief in the cases cited in this chapter. If the Insurers are willing to shoulder this responsibility, all possibilities should be explored of enabling them to form their own voluntary scheme before any alternative scheme in thought of.

#### *Chapter V—Compulsory Insurance of Transport Vehicles—*

*A Scheme of Passenger Insurance*—I do appreciate that cases of passengers of transport vehicles sustaining injuries resulting from accidents for which neither the passengers nor the vehicle owner is to blame deserve sympathetic consideration. But viewing the position objectively from the point of view of the Motorist, I wonder whether any statutory relief can be provided in such cases. If this principle is accepted the vehicle owner would be required to pay compensation even for Acts of God. A tree falling suddenly on a stationary bus in the midst of a storm may injure the occupants of the bus. This is purely an Act of God. The question will arise why in such cases it should be made obligatory under the law for the Motorist to pay compensation. I believe, it is precisely for this reason that even the scheme formulated by the Indian Air Lines Corporation to which reference has been made in this chapter, is an “Ex-Gratia Payment Scheme” and not a scheme obligatory under Law as is proposed in this chapter for bus and taxi owners. In this connection I would like to reproduce the observations made by the First Motor Vehicles Insurance Committee while setting out the object of Compulsory Insurance—

“The object of compulsory insurance is to secure that injured parties are not deprived of the damages due to them owing to the low financial status of the owner or driver of a motor vehicle, where negligence is the cause of the injuries. Where there is no negligence on the motorist's part, he incurs no liability; and it is unreasonable to expect any one to insure against the consequence of an act in the performance of which he, or his agent, is not to blame”.

#### *Chapter VI—Damage to Third Party Property—*

In my opinion it is not necessary to make insurance in respect of damage to property compulsory. Even the First Motor Vehicles Insurance Committee did not consider it necessary then and I do not think conditions have in the meantime so changed as to necessitate any change in our thinking on this subject. The proposal is to make insurance in this respect compulsory to the extent of Rs. 2,000/-, primarily to protect the interests of owners of small properties like cycles, rickshaws, bullock-carts etc., which may be damaged in Motor accidents. After all, it will not be difficult to recover small amounts upto Rs. 2,000/- from owners of vehicles especially if the suggestion made by this Committee that Section 110-E of the Motor Vehicles Act should be so amended that any amount of compensation due from the owner or driver can be recovered in the same manner as arrears of land revenue. Moreover cases where Third party damage is not covered are very few. In my opinion, compulsion by law should be resorted to only when it is absolutely necessary. In several other countries

where insurance relating to personal injury has been made compulsory under law, property damage has not been included in such legislation. The general view on this subject, with which I agree, is that hardship caused by damage to property is not of such magnitude as to create a social problem requiring to be dealt with by legislation.

I do appreciate that what is needed in such cases is speedy relief and I therefore agree that Motor Claims Tribunals should be empowered to adjudicate Third Party Property Damage Claims upto Rs. 2,000/- to ensure expeditious settlement of such claims.

#### *Chapter VII—Claims Tribunals—*

*Para 11—Impleading Insurers*—The Insurers' case appears to be that only limited defences are available to them under Section 96(2) of the Motor Vehicles Act. This causes hardship to them in cases where the defendants, i.e., the owner of the vehicle and/or his driver are indifferent or do not cooperate with the Insurers in defending the action. There is also a possibility of collusion between the Insured and the injured Third Party. In my opinion, in such cases, if he so desires, the Insurer should be in a position to defend the action in his own right. I see no harm in granting this right to the Insurers. This can be easily done by a simple amendment of Section 110 of the Motor Vehicles Act requiring the applicant to give notice to the Insurer of all proceedings. The Insurer should then have the liberty to take, when necessary, all the defences in his own name. In actual practice, in most of the cases the interests of the Insurer and the Insured will be identical. In those few cases where the Insured behaves in a manner prejudicial to the interests of the Insurer, the Insurer being the party against whom the judgement, based on the legal liability of the Insured, will be ultimately enforced, should have the right to place all the facts and circumstances before the Court and raise all defences available to the defendants and not only those specified in Section 96(2), for the purpose of establishing whether or not legal liability attaches to his Insured and the extent of such liability and thereby enabling the courts to administer justice.

संयमन ज्ञाने

#### *Chapter VIII—Miscellaneous—*

*Para 7—Separate accounts for Act Liability Insurance*—Insurers appear to have practical difficulties in maintaining separate accounts for Act Liability insurance which in many cases forms part of the consolidated cover granted under the policy. There could be no watertight compartments for the various types of covers included in such policies and it would not be possible for Insurers to allocate the different items of expenditure to the various covers. Moreover, what we are concerned with for the purpose of judging whether the Act Liability premium rates are reasonable or not are primarily the premium and claims statistics relating to Act Liability Insurance which must no doubt be maintained by Insurers and should be available to the Government when required. If these statistics are maintained by Insurers, in my opinion, it is not necessary to impose upon them the burden of keeping separate accounts for Act Liability Insurance which will entail extra cost and labour and consequently increase the cost of such insurance to motorists.

## LIST OF APPENDICES

Appendix I—Government of India's Resolution appointing the Committee.

Appendix II—

- (A) Committee's questionnaire issued to State Governments
- (B) Committee's questionnaire issued to insurance companies/ associations.
- (C) Committee's questionnaire issued to road safety associations/transport operators and the general public.

Appendix III—List of persons who tendered oral evidence or sent their views in writing.

Appendix IV—Text of agreement between the Minister of Transport and the Motor Insurers' Bureau in the United Kingdom.

Appendix V—Set-up and working of the New York Motor Vehicles Accident Indemnification Corporation.

Appendix VI—Motor Vehicle Accidents during 1960.

Table I—Monthwise distribution.

Table II—Class of vehicles involved.

Table III—Nature of accidents.

Table IV—Primary causes.

Table V—Visibility.

Table VI—Road conditions.

Table VII—Particulars of drivers.

Table VIII—Responsibility of drivers of motors vehicles.

Table IX—Age of the motor-vehicle involved.

Table X—Overloading, left hand steering mechanical defects etc.

Table XI—Particulars of fitness of transport vehicles primarily involved.

Table XII—Particulars of pedestrians or other persons involved.

Table XIII—Number of persons killed.

Table XIV—Number of persons injured only.

Table XV—Total casualties (persons injured or killed).

Table XVI—Motor vehicle accidents in India during 1955-60, month-wise.

Table XVII—Computation of link relative seasonal index for motor vehicle accidents in India during 1955-1960).

Graph showing motor vehicle accidents in India during 1955-1960.

Appendix VII—Current Road Accident Report Form.

Appendix VIII—Statement showing deaths by types of accidents and directional analysis of motor vehicle traffic accidents in the United States;

- (A) Motor Vehicle deaths by type of accident, 1933-1962.
- (B) Residence of driver in accidents, 1962.
- (C) Directional analysis of accidents.
- (D) Accidental injuries by severity of injury 1959.
- (E) 1959 Accident Costs.
- (F) Certain cost of accidental injuries 1959.
- (G) Accidental injuries by severity of injury, 1960.
- (H) 1960 Accident Costs.
- (I) Certain costs of accidental injuries, 1960.

Appendix IX—Road Accident Report Form recommended by the ECAFE Study Week.

Appendix X—Annexure to the Current Accident Report Form, suggested by the Committee.

Appendix XI—Proforma of the return to be compiled by the insurers.

Appendix XII—Proforma of the return to be compiled by State Governments.

Appendix XIII—Letter No. MISC. (47)/654—III dated the 19th June 1963 from the Insurance Association of India, Bombay.

Appendix XIV—Letter No. MISC. (47)/654—III dated the 17th August, 1963 from the Insurance Association of India, Bombay.

Appendix XV—Statements showing the premium receipts and payments of damages in respect of different classes of vehicles in India and New Zealand.

Appendix XVI—Statement showing the information available regarding the Motor Vehicles Third Party Insurance Funds set up by the State Transport Undertakings.

## APPENDIX I

## GOVERNMENT OF INDIA

MINISTRY OF TRANSPORT AND COMMUNICATIONS  
DEPARTMENT OF TRANSPORT (TRANSPORT WING)

No. 2-TL (26)/59.

*New Delhi, the 24th May, 1962.*

## RESOLUTION

The Government of India have received several suggestions for amendment of Chapter VIII of the Motor Vehicles Act, 1939, relating to compulsory insurance of motor vehicles against third party risks. Since the proposals involve substantial changes in the existing provisions of the Act and require thorough examination from the points of view of the insurer, the insured and the public, the Government of India have decided to appoint a part-time Committee to study the various proposals and make recommendations in respect thereof.

## 2. The committee consists of the following:—

- (1) The Deputy Secretary Incharge of Road Transport Division in the Ministry of Transport & Communications, Department of Transport, New Delhi—(Convenor).
- (2) The Controller of Insurance, Simla or his representative.
- (3) Secretary to the Government of West Bengal, Home (Transport) Department, Calcutta.
- (4) Member, Motor Accident claims Tribunal, Bombay.
- (5) Shri D.S. Dikshit, Chairman of the Miscellaneous Sectional Committee, Insurance Association of India, Bombay.
- (6) Shri A.A. Jasdenvala, President of the Council of the Safety First Association of India, Bombay.

## 3. The terms of reference of the Committee will be as follows:—

- (1) To survey and report how far the existing provisions relating to compensation, third party insurance and Claims Tribunals serve the purposes for which they were meant.
- (2) To examine and report on the following specific suggestions:—
  - (a) Extension of time limit for filing applications before the Claims Tribunals.
  - (b) Increase of amounts for which third party insurance policies should be taken.
  - (c) Making it incumbent upon the insurer to pay a third party claimant a certain minimum sum of money, depending upon the nature of the loss sustained and indicating such minimum.
  - (d) Prescribing the maximum compensation payable for various injuries.

- (e) Making the insurer a party in compensation proceedings before Claims Tribunals.
- (f) Authorising Claims Brokers to contest claims on behalf of aggrieved parties before Claims Tribunals.
- (g) *Suo Moto* action by Claims Tribunals.

(3) To make any other recommendations germane to the above subjects.

4. The headquarters of the Committee will be at New Delhi, but it will be free to visit or hold its meetings at such places as it may consider necessary for the purpose of its work.

5. The Government of India trust that the State Governments, associations and members of the public, who are interested in the subject of the Committee's enquiry, will afford the Committee all the assistance in their power and supply it with such information as it may require.

6. The Committee is expected to submit its report within six months from the date of its appointment.

#### *ORDER*

Ordered that a copy of the Resolution be communicated to all concerned and that it be published in the Gazette of India for general information.

(Sd.) G. VENKATESWARA AYYAR

*Secretary to the Government of India*

## APPENDIX II

## MOTOR VEHICLES INSURANCE COMMITTEE, 1962

## (A) Questionnaire for State Governments

1. What was the number of—

- Private cars
- Taxis
- Stage Carriages
- Goods vehicles (private carriers and public carriers, separately).
- Motor cycles, Scooters, Auto-rickshaws etc. in the State during the last three financial years (years ending 31st March 1960, 31st March 1961 & 31st March 1962).

2. What are the reported figures of accidents involving injuries to human beings during the last three financial years? Kindly furnish the information in the following form:

	1959-60		1960-61		1961-62	
	Fatal	Non-fatal	Fatal	Non-fatal	Fatal	Non-fatal
(i) Private cars	..	..				
(ii) Taxis	..	..				
(iii) Stage carriages	..	..				
(iv) Goods vehicles	..	..				
(a) private carriers	..	..				
(b) public carriers	..	..				
(v) Motor cycles, Scooters, Auto-rickshaws and other motorised vehicles not covered by (i) to (iv) above	..	..				

3. What was the total number of accidents during last three financial years which involved injuries: (a) fatal, (b) non fatal to—

- owner drivers.
- Owners.
- Persons (other than paid employees) travelling in a vehicle other than transport vehicle.
- Drivers/Conductors/other paid employees
- Road users.

4. What was the number of accidents during the last three financial years which involved only damage to property and no injury to any human being?

5. What was the number of accidents during the last three financial years which involved damage to property as also injury to human beings?

6. What was the number of cases during the last three financial years in which claims were filed for damage to property before Civil Courts and separate claims *arising out of the same accident* were also filed before the Motor Accidents Claims Tribunals in respect of injury to human being.

7. Should third party Motor Insurance policy be made to cover compulsorily, damage to property? If so, what should be the limits in both cases.

8. Should there be any drive to bring the provisions of Chapter VIII of the Motor Vehicles Act, 1939, to the notice of the public? If so, what suggestions would you like to make in this regard?

9. Should third party claims be indemnified without their having to go to Court? If so, how can this be achieved?

10. Do the amounts of third party policy prescribed in the Section 95 (2) (d) of the Motor Vehicles Act require to be increased? If so, by how much and on what basis?

11. How many suits/claims for compensation were preferred by the third parties before (i) Civil Court and (ii) Motor Accidents Claims Tribunals?

12. How many third party claims were settled outside courts/tribunals? State briefly the circumstances which impel and the principles which underlie the settlement of such claims outside courts/tribunals.

13. If the numbers of suits/claims preferred before courts/tribunals and of those settled outside courts/tribunals are substantially less than the number of accidents occurring in the State, what precise reasons can be assigned for the differences?

14. It has been pointed out that the Motor Vehicles Act does not provide for the recovery of compensation awarded by a Claims Tribunal from the driver or the owner of a vehicle which is not insured, though a provision has been made for recovery from an insurer in Section 110E. What machinery or/and procedure would you recommend for this purpose?

15. Should the Police be required to forward all F.I. Rs. relating to motor accidents involving third parties to the Claims Tribunals, for initiating *suo moto* proceedings for the settlement of compensation? Or should only cases in which Police investigations have led to convictions in the criminal courts be required to be reported to the Claims Tribunals?

16. What was the number of cases during the last three financial years in which findings recorded by Civil Courts/Claims Tribunals differed from the verdict given by criminal courts in respect of suits/cases arising out of the same accident?

17. Should free legal aid be provided to sufferers in motor accidents in deserving cases? If so, what criteria and procedure would you suggest for providing it?

18. Should fee be charged for applications for compensation filed before a Claims Tribunal at a fixed amount irrespective of the extent of claim or on an ad valorem basis? The view has been expressed that fixed fee may result in an increase in frivolous claims. Is there any substantial information to support this view? Would you suggest exemption from fee in deserving cases?

19. A view has been expressed that in order to safeguard the interests of the poor and the ignorant people involved in accidents, we may recognise a system of Claims brokers who will undertake all work and responsibility relating to a claim for a fixed percentage of the compensation finally granted by the Tribunal/Civil courts. Do you subscribe to this view? If you support it, what measures would you suggest to ensure that the system works well? If you do not accept it, what are your grounds?

20. What was the average time taken to decide suits/claims preferred before Civil Courts/Claims Tribunals? An analysis of cases pending for more than three months on the 30th June, 1962, may be furnished in the following form:—

S. No.	Particulars of the case	Date of accident	Date on which proceedings started	Remarks—Reasons for delay in disposal
--------	-------------------------	------------------	-----------------------------------	---------------------------------------

21. (a) Should the Motor Vehicles Act prescribe the maximum compensation payable for various injuries?

(b) If your answer is in the affirmative, how would you classify the injuries and what maximum compensation would you recommend for each of them? What broad principles would you like to be followed in the assessment of compensation?

22. What were the difficulties if any, experienced in realising compensation amount from the insurer by third party claimants?

23. Should provision be made for payment of compensation to the victims of motor accidents on compassionate grounds irrespective of the responsibility for the accidents? If so, under what circumstances, by whom and on what basis should the relief be given?

24. In how many accidents during the last three financial years did the vehicles involved go untraced?

25. How can an indefeasible right to compensation to innocent third parties be provided, in all circumstances including the following:

- (a) the party is injured by an unknown or stolen vehicle in circumstances which would have resulted in a successful claim for compensation had the vehicle been known or had not been stolen.
- (b) the party is injured by a vehicle the owner of which does not have a valid certificate of insurance.
- (b) the party is injured by a vehicle the owner of which does not have a valid certificate of insurance.
- (c) the party is injured by a vehicle the owner of which does not have a valid certificate of insurance but there is no liability on the part of the insurer to pay the claim on account of misrepresentation made to the insurer by the insured etc.
- (d) When the claim could not be recovered due to the insolvency of the insurer or for other reasons.

Should a fund be formed for the above purpose out of contributions made by all insurers at a statutorily fixed percentage of third party insurance premium receipt? If so, to whom should the management of this fund be entrusted? What should be the procedure for payment out of this fund?

26. What is the number of prosecutions launched in the State during the last three financial years for using or causing to use or letting any other person use a motor vehicle in a public place without having in force in relation to the vehicle concerned a policy of third party insurance required under Chapter VIII of the Motor Vehicles Act?

27. What steps have the State Government taken to ensure that an insurance policy is renewed in time?

28. While accepting payment of tax do the motor vehicle taxation authorities insist that the vehicle concerned is covered by a third party insurance policy for the full period for which the tax is paid?

29. (a) Should it be made obligatory for an insurer to cover risks for a month after the expiry of the insurance policy so that during this one month's grace period the insurer can inform the motor vehicle authorities concerned about the expiry of the policy and thus enable them to take steps to insure that the vehicle in question is not plied beyond the grace period without a valid insurance policy?

(b) What procedure should be followed by Insurers to ensure the continuance of insurance, despite inadvertent omission to pay renewal premium promptly by the insured?

30. How many motor vehicles belonging to the State Government Departments which are plying for Government purposes, unconnected with any Commercial enterprise, were involved in accidents resulting in bodily injuries to the drivers or to third parties?

31. What was the amount of compensation paid to drivers/third parties injured in such accidents and on what basis?

32. Please furnish the following particulars in respect of your nationalised Transport Undertaking:—

(i) The number of vehicles on 31.3.60, 31.3.61, and 31.3.62 categorywise (i.e. buses, trucks, jeeps, cars etc.).

(ii) The total amount of contribution made by the Undertaking to its insurance fund during the each financial year and the amount of the funds at the end of each year.

(iii) The amount of third party claims paid (categorywise) out of the fund each year.

33. Please furnish particulars of funds established in respect of vehicles used by the State Govt. or local authorities for purposes connected with any commercial enterprise other than transport, in accordance with the provisions of Section 94 (3) of the Motor Vehicles Act.

34. How many vehicles covered by such funds were involved in accidents resulting in injuries to human beings, (a) fatal and (b) non-fatal, during the last three financial years?

35. How many compensation claims were filed by third parties injured in such accidents? What was the total amount of compensation paid each year? What was the average payment in each case of (a) fatal and (b) non-fatal injuries? How many of the compensation claims were settled out of courts/tribunals? What was the average compensation settled and paid in each such (a) fatal and (b) non-fatal case settled outside court?

36. What is the number of co-operative societies doing insurance business in the State under Section 108 of the Motor Vehicles Act, 1939.

37. How many vehicles belonging to numbers of such societies were involved in (a) fatal and (b) non-fatal accidents to human beings during the last three financial years? What was the total compensation paid in these cases (a) on adjudication by civil courts/tribunals and (b) by settlement out of court? What was the average compensation paid for (a) fatal and (b) non-fatal cases?

38. Why have the provisions in Section 108 of the Motor Vehicles Act regarding cooperative societies not been fully availed of?

39. Do you think that lack of control over drivers is responsible to any extent for the large number of accidents occurring in the State/country? What measures would you suggest to deal effectively with this problem?

40. An application for compensation shall have to be made before the Claims Tribunals within sixty days of the occurrence of the accident but the tribunal may entertain the application after the expiry of the period if it is satisfied that the applicant was prevented by sufficient cause from making the application in time. Is this provision inadequate? If you think it is, what should in your view be the limitation period? What are your reasons for proposing an extension?

41. In how many cases were petitions for extension of time for filing applications for compensation or for condonation of delay made during the last three financial years? How many of these were rejected? What generally were the reasons given for the delay?

42. (a) A view has been expressed that as ultimately it is the insurer who is to compensate the claimant, insurers should have the right to be impleaded as defendants in proceedings before the Claims Tribunals/Civil Courts. Should the Motor Vehicles Act be suitably amended to give the insurer the liberty to have all defences available to the owner of the vehicle and not only those specified under section 96 (2) of the Motor Vehicles Act?

(b) Will this provision tend to prolong the proceedings before the Court or the Tribunal?

43(a) It has been pointed out that difficulty is often experienced by Claims Tribunals by reason of the non-cooperation of the owner and driver of a vehicle involved in an accident. Is it desirable to vest the Claims Tribunals with powers to compel the owner or driver of such a vehicle to appear before them, if necessary?

(b) It has been doubted whether a third party injured by a motor vehicle at a place which cannot be strictly termed a "public place" within the meaning of sub-section (24) of section 2 of the Motor Vehicles Act—e.g. a person knocked down by a bus which crashes into a private ward or a shop or the compound of a house—is entitled to any compensation. Do you agree that the definition of a "public place" requires to be expanded?



सत्यमेव जयते

## MOTOR VEHICLES INSURANCE COMMITTEE, 1962

(B) *Questionnaire or insurance companies/associations*

(1) What was the number of cases during the last three financial years in which claims were filed for damage to property before Civil Courts and separate claims arising out of the same accident were also filed before Motor Accidents Claims Tribunals in respect of injury to human-beings?

(2) How many suits/claims for compensation were preferred by third parties before (i) Civil Courts and (ii) Motor Accidents Claims Tribunals?

(3) How many third party claims were settled outside courts/tribunals during the last three financial years? State briefly the circumstances which impel and the principles which underlie the settlement of such claims outside courts/tribunals?

(4) Should the Police be required to forward all F.I. Rs. relating to motor accidents involving third parties to the Claims Tribunals, for initiating *suo moto* proceedings for the settlement of compensation? Or should only cases in which Police investigations have led to convictions in the criminal courts to be required to be reported to the Claims Tribunals?

(5) What was the number of cases during the last three financial years in which findings recorded by Civil Courts/Claims Tribunals differed from the verdict given by criminal courts in respect of suits/cases arising out of the same accident?

(6) Should free legal aid be provided to sufferers in motor accidents in deserving cases? If so, what criteria and procedure would you suggest for providing it?

(7) Should third party Motor insurance policy be made to cover compulsorily, damage to property? If so, what should be the limits in both cases.

(8) Should fee be charged for applications for compensation filed before a Claims Tribunal at a fixed amount irrespective of the extent of claim or on an *ad valorem* basis? The view has been expressed that a fixed fee may result in an increase in frivolous claims. Is there any statistical information to support this view?

(9) It has been pointed out that the Motor Vehicles Act does not provide for the recovery of compensation awarded by a Claims Tribunal from the driver or the owner of a vehicle which is not insured,

though a provision has been made for recovery from an insurer in Section 110E. What machinery or/ and procedure you would recommend for this purpose?

(10) Should third party claims be indemnified without their having to go to Court? If so, how can this be achieved?

(11) A view has been expressed that in order to safeguard the interests of the poor and the ignorant people involved in accidents, we may recognise a system of claims brokers who will undertake all work and responsibility relating to a claim for a fixed percentage of the compensation finally granted by the Tribunal/Civil Courts. Do you subscribe to this view? If you support it, what measures would you suggest to ensure that the system works well? If you do not accept it, what are your grounds?

(12) (a) Should the Motor Vehicles Act prescribe the maximum compensation payable for various injuries?

(b) If your answer is in the affirmative, how would you classify the injuries and what maximum compensation would you recommend for each of them? What broad principles would you like to be followed in the assessment of the compensation?

(c) If your answer to (a) is in the negative, what are your reasons?

(13) What were the difficulties, if any, experienced by insurers in dealing with third party claims?

(14) Do the amounts of third party policies prescribed in Section 95(2) (b) of the Motor Vehicles Act require to be increased? If so, by how much and on what basis?

(15) Should provision be made for payment of compensation to the victims of motor accidents on compassionate grounds irrespective of the responsibility for the accident? If so, under what circumstances, by whom and on what basis should the relief be given?

(16) How can an indefeasible right to compensation to innocent third parties be provided, in all circumstances including the following:

(a) the party is injured by an unknown or stolen vehicle in circumstances which would have resulted in a successful claim for compensation had the vehicle been known or had not been stolen.

- (b) the party is injured by a vehicle the owner of which does not have a valid certificate of insurance.
- (c) the party is injured by a vehicle the owner of which does have a valid certificate of insurance but there is no liability on the part of the insurer to pay the claim on account of misrepresentations made to the insurer by the insured etc.
- (d) When the claim could not be recovered due to the insolvency of the insurer or for other reasons.

Should a fund be formed for the above purpose out of contributions made by all insurers at a statutorily fixed percentage of third party insurance premium receipts? If so, to whom should the management of this fund be entrusted? What should be procedure for payments out of this fund?

(17) Please give the figures of premium and claims in respect of compulsory third party insurance of motor vehicles as required under the Motor Vehicles Act, for the last three financial years for each year separately. Figures should be given separately for—

- (a) each of the four Regions, Bombay, Calcutta, Delhi and Madras; and
- (b) each of the major classes of vehicles.

Amount paid to :

- (a) Drivers and Conductors and
- (b) Third parties as compensation

should be shown separately. Amount paid as a result of settlement out of Court may also be shown separately.

(18) In how many cases was the insurer not impleaded as a party by the court/tribunal in spite of his request? What were the grounds generally given for rejecting the request? In how many of these cases were appeals/writ applications filed to the High Court and with what result?

(19) In how many cases did the insurance companies refuse to renew third party insurance policies? Please state the circumstances in which a policy is not renewed.

(20) (a) Should it be made obligatory for an insurer to cover risks for a month after the expiry of the insurance policy so that during this one month's grace period the insurer can inform the motor vehi-

cle authorities concerned about the expiry of the policy and thus enable them to take steps to ensure that the vehicle in question is not plied beyond the grace period without a valid insurance policy?

(b) What procedure should be followed by insurers to ensure the continuance of insurance, despite inadvertent omission to pay renewal premium promptly by the insured?

(21) Do you think that lack of control over drivers is responsible to any extent for the large number of accidents occurring in the State/country? What measures would you suggest to deal effectively with this problem?

(22) An application for compensation shall have to be made before the Claims Tribunals within sixty days of the occurrence of the accident but the tribunal may entertain the application after the expiry of the period if it is satisfied that the applicant was prevented by sufficient cause from making the application in time. Is this provision inadequate? If you think it is, what should in your view be the limitation period? What are your reasons for proposing an extension?

(23) Should there be any drive to bring the provisions of Chapter VIII of the Motor Vehicles Act, 1939, to the notice of the public? If so, what suggestions would you like to make in this regard?

(24) (i) (a) A view has been expressed that as ultimately it is the insurer who is to compensate the claimant, insurers should have the right to be impleaded as defendants in proceedings before the claims Tribunal/Civil Courts. Should the Motor Vehicles Act be suitably amended to give the insurer the liberty to have all defences available to the owner of the vehicles and not only those specified under section 96(2) of the Motor Vehicles Act?

(b) How can we ensure that this provision does not tend to prolong the proceedings before the Court or the Tribunal?

(ii) It has been doubted whether a third party injured by a motor vehicle at a place which cannot be strictly termed a "public place" within the meaning of sub-section (24) of section 2 of the Motor Vehicles Act—e.g. a person knocked down by a bus which crashes into a private ward or a shop or the compound of a house—is entitled to any compensation. Do you agree that the definition of a "public place" requires to be suitably expanded?

## MOTOR VEHICLES INSURANCE COMMITTEE, 1962

(C) *Questionnaire for the road safety associations, transport operators and the general public.*

(1) An application for compensation shall have to be made before the Claims Tribunals within sixty days of the occurrence of the accident but the tribunal may entertain the application after the expiry of the period if it is satisfied that the applicant was prevented by sufficient cause from making the application in time. Is this provision inadequate? If you think it is, what should, in your view, be the limitation period? What are your reasons for proposing an extension?

(2) If the numbers of suits/claims preferred before courts/tribunals and of those settled outside courts/tribunals are substantially less than the number of accidents occurring in the State, what precise reasons can be assigned for the difference?

(3) Should the Police be required to forward all F.I. Rs. relating to motor accidents involving third parties to the Claims Tribunals for initiating *suo moto* proceedings for the settlement of compensation? Or should only cases in which Police investigations have led to convictions in the criminal courts be required to be reported to the Claims Tribunals?

(4) Should free legal aid be provided to sufferers in motor accidents in deserving cases? If so, what criteria and procedure would you suggest for providing it?

(5) Should fee be charged for applications for compensation filed before a Claims Tribunal at a fixed amount irrespective of the extent of claim or on an *ad valorem* basis? The view has been expressed that a fixed fee may result in an increase in frivolous claims. Is there any statistical information to support this view? Would you suggest exemption from fee in a deserving case?

(6) A view has been expressed that in order to safeguard the interests of the poor and the ignorant people involved in accidents, we may recognise a system of claims brokers who will undertake all work and responsibility relating to a claim for a fixed percentage of the compensation finally granted by the Tribunal/Civil Courts. Do you subscribe to this view? If you support it, what measures would you suggest to ensure that the system works well? If you do not accept it, what are your grounds?

(7) It has been pointed out that the Motor Vehicles Act does not provide for the recovery of compensation awarded by a Claims Tribunal from the driver or the owner of a vehicle which is not insured, though a provision has been made for recovery from an insurer in Section 110E. What machinery or/ and procedure you would recommend for this purpose?

(8) (a) Should the Motor Vehicles Act prescribe the maximum compensation payable for various injuries?

(b) If your answer is in the affirmative, how would you classify the injuries and what maximum compensation would you recommend for each of them? What broad principles would you like to be followed in the assessment of the compensation?

(c) If your answer to (a) is in the negative, what are your reasons?

(9) What were the difficulties, if any, experienced in realising compensation amount from the insurer by third party claimants?

(10) Do the amounts of third party policies prescribed under Section 95 (2) (b) of the Motor Vehicles Act require to be increased? If so, by how much and on what basis or should the limits prescribed be removed altogether.

(11) Should provision be made for payment of compensation to the victims of motor accidents on compassionate grounds irrespective of the responsibility for the accident? If so, under what circumstances, by whom and on what basis should the relief be given?

(12) How can an indefeasible right to compensation to innocent third parties be provided, in all circumstances including the following:

(a) the party is injured by an unknown or stolen vehicle in circumstances which would have resulted in a successful claim for compensation had the vehicle been known or had not been stolen.

(b) the party is injured by a vehicle the owner of which does not have a valid certificate of insurance.

(c) the party is injured by a vehicle the owner of which does have a valid certificate of insurance but there is no liability on the part of the insurer to pay the claim

on account of misrepresentations made to the insurer by the insured etc.

(d) When the claim could not be recovered due to the insolvency of the insurer or for other reasons.

Should a fund be formed for the above purpose out of contributions made by all insurers at a statutorily fixed percentage of third party insurance premium receipt? If so, to whom should the management of this fund be entrusted? What should be the procedure for payments out of this fund?

(13) What percentage of the cost of operation does the premium for compulsory third party insurance *as required under the Motor Vehicles Act* work out to in the case of transport vehicles? Please indicate the cost of operation per ton mile/passenger mile of vehicles of different types.

(14) (a) Should it be made obligatory for an insurer to cover risks for a month after the expiry of the insurance policy so that during this one month's grace period the insurer can inform the motor vehicles authorities concerned about the expiry of the policy and thus enable them to take steps to ensure that the vehicle in question is not plied beyond the grace period without a valid insurance policy?

(b) What procedure should be followed by Insurers to ensure the continuance of insurance, despite inadvertent omission to pay renewal premium promptly by the insured.

(15) Why have the provisions in Section 108 of the Motor Vehicles Act regarding cooperative societies not been fully availed of?

(16) Do you think that lack of control over drivers is responsible to any extent for the large number of accidents occurring in the State/country? What measures would you suggest to deal effectively with this problem?

(17) (a) A view has been expressed that as ultimately it is the insurer who is to compensate the claimant, insurers should have the right to be impleaded as defendants in proceedings before the Claims Tribunal/Civil Courts. Should the Motor Vehicles Act be suitably amended to give the insurer the liberty to have all defences available to the owner of the vehicles and not only those specified under section 96 (2) of the Motor Vehicles Act?

(b) Will this provision tend to prolong the proceedings before the Court or the Tribunal?

(18) Should third party Motor insurance policy be made to cover compulsorily, damage to property? If so, what should be the limits in both cases.

(19) Should there be any drive to bring the provisions of Chapter VIII of the Motor Vehicles Act, 1939, to the notice of the public? If so, what suggestions would you like to make in this regard?

---



## APPENDIX III

LIST OF PERSONS WHO TENDERED ORAL EVIDENCE OR SENT  
THEIR VIEWS IN WRITING.*Associations of transport operators and drivers.—*

Andhra Pradesh Motor Union Congress, Vizayawada.  
 All India Motor Unions' Congress, New Delhi.  
 Maharashtra Lorry Operators Association, Poona.  
 Manipuri Drivers' Union, Imphal.  
 Martin's Light Railways, Calcutta.  
 Rama Vilas Service Limited, Madras.

*Automobile Associations—*

The Automobile Association of Eastern India, Patna.  
 The Automobile Association of Upper India, New Delhi.  
 The Federation of Indian Automobile Association, Bombay.  
 The U.P. Automobile Association, Allahabad.  
 The Western India Automobile Association, Bombay.

*Automobile manufacturers & dealers—*

Ashok Leyland Limited, Madras.  
 Association of Indian Automobile Manufacturers, Bombay.  
 Automobile Dealers Association of Western India Limited, Bom-  
 bay.  
 Premier Automobile Limited, Bombay.  
 Tata Engineering & Locomotive Company Limited, Bombay.

*Chambers of Commerce—*

Associated Chamber of Commerce of India, Calcutta.  
 Bengal Chamber of Commerce & Industry, Calcutta.  
 Bharat Chamber of Commerce, Calcutta.  
 Coimbatore Chamber of Commerce, Coimbatore.  
 Madras Chamber of Commerce, Madras.

*Insurance companies or associations—*

Commercial Union, Assurance Company, Calcutta.  
 Hercules Insurance Company, Calcutta.  
 Indian Mutual General Insurance Society, Madras.  
 Insurance Association of India, Bombay.  
 Jupiter General Insurance Company, Bombay.  
 Madras Motor & General Insurance Company Limited, Madras.  
 Mysore Government Insurance Department, Bangalore.

National Employers' Mutual General Insurance Association, Bombay.

Phoenix Assurance Company, Calcutta.

Queensland Insurance Company, Calcutta.

Vulcan Insurance Company, Bombay.

*Road Safety Associations—*

National Safety Association, Delhi.

Safety First Association of India, Bombay.

Safety First Association of India, Calcutta.

Safety First Association of India, Kanpur.

*State Transport Undertakings—*

Andhra Pradesh State Road Transport Corporation.

Bihar State Road Transport Corporation.

Bombay Electric Supply and Transport Undertaking.

Calcutta State Transport Corporation.

Delhi Transport Undertaking.

Kerala Transport Department.

Madhya Pradesh State Road Transport Corporation.

Maharashtra State Road Transport Corporation.

Orissa State Transport Undertaking.

*Other associations and organisations—*

Burmah Shell Oil Storage and Distributing Company of India Limited, Bombay.

Indian Roads & Transport Development Association Limited, Bombay.

Indian Roads & Transport Development Association Limited, Calcutta.

Kamdar & Company, Solicitors, Bombay.

Macneill and Barry Limited, Calcutta.

Mani Nagar Sarvodaya Samaj, Ahmedabad.

Stanes Motors (S.I.) Limited, Coimbatore.

*Individuals—*

Shri T. M. Bapna, Member, State Transport Authority, Rajasthan.

Shri Nanda Lal Bhattacharya, Member, Regional Transport Authority, Nadia.

Shri Manoranjan Chakrabarti, Vijayawada.

Shri S. B. Chatterjee, Howrah.

Shri Jayantilal M. Chinoy, Member, Regional Transport Authority, Rajkot.

Shri Kanai Lall Dey, MLA, Calcutta.  
 Shri V. V. D. Dhanapalan, Tuticorin.  
 Shri Fida Hussain, Jehanabad (Gaya).  
 Shri Gyan Singh, Delhi.  
 Shri A. Jermiah, New Delhi.  
 Shri Lal Bhubaneswar Nath Shah Deo, Member, Regional Transport Authority, Chhotanagpur Division, Ranchi.  
 Shri K. Loganathan, Member, State Transport Authority, Pondicherry.  
 Shri Upendra Nath Majumdar, Member, Regional Transport Authority, Regional Transport, Office, West Dinajpur.  
 Shri Sudhindra Chandra Maulik, Member, Regional Transport Authority, Nadia.  
 Shri B. W. Mehta, Bombay.  
 Shri P. Maruthiah, Member of Parliament.  
 Dr. L. M. Pansambal, Member, R.T.A., Aurangabad.  
 Shri S. C. Parija, Advocate, Member, Orissa Board of Transport and Communications.  
 Shri Rajmohan Shah, Agartala.  
 Shri T. S. Santhanam, Madras.



## APPENDIX IV

MOTOR INSURERS BUREAU (UNITED KINGDOM)  
(COMPENSATION OF VICTIMS OF UNINSURED DRIVERS)

TEXT OF AN AGREEMENT DATED THE 17TH JUNE 1946, BETWEEN THE MINISTER OF TRANSPORT AND THE MOTOR INSURERS' BUREAU TOGETHER WITH SOME NOTES ON ITS SCOPE AND PURPOSE

In accordance with the agreement made on 31st December 1945 between the Minister of War Transport and Insurers transacting compulsory motor vehicle insurance business in Great Britain, (Published by the Stationery Office under the title "Motor Vehicle Insurance Fund") a corporation called the "Motor Insurers' Bureau" has been incorporated and has on the 17th June 1946 entered into an agreement with the Minister of Transport to give effect from 1st July 1946 to the principle recommended in July 1937 by the Departmental Committee under Sir Felix Cassel, (Cmd. 5528), to secure compensation to third party victims of road accidents in cases where, notwithstanding the provisions of the Road Traffic Acts relating to compulsory insurance, the victim is deprived of compensation by the absence of insurance, or of effective insurance.

Following is the text of the agreement—

MEMORANDUM OF AGREEMENT made the Seventeenth day of June one thousand nine hundred and forty-six BETWEEN THE MINISTER OF TRANSPORT (hereinafter referred to as "The Minister") to whom by virtue of the Ministry of War Transport (Dissolution) Order 1946, the functions of the Minister of War Transport have been transferred of the one part of the Motor Insurers' Bureau whose Registered Office is at 60 Watling Street in the City of London of the other part Supplemental to an agreement (hereinafter called "the Principal Agreement") made the Thirty-first day of December One thousand nine hundred and forty-five between the Minister of War Transport of the one part and Those Insurers Transacting Compulsory Motor Vehicle Insurance Business in Great Britain by or on behalf of whom the said agreement was signed (thereinafter and herein-after referred to as "the Insurers") of the other part.

WHEREAS in pursuance of the undertaking given by the insurers in Paragraph 1 of the Principal Agreement of Company has been incorporated under the Companies Act 1920 with the name of "Motor Insurers' Bureau" (being a party to these presents and herein-after referred to as "M.I.B.").

NOW THEREFORE IT IS HEREBY AGREED between the parties hereto as follows:—

1. IF judgement in respect of any liability which is required to be covered by a policy of insurance or a security (hereinafter called "a contract of insurance") under Part II of the Road Traffic Act 1930 is obtained against any person or persons in any Court in Great Britain whether or not such person or persons be in fact covered by a contract of

insurance or if judgement in respect of any liability which is not so required to be covered by reason only of the provisions of sub-section (4) of Section 35 of the said Act is in fact covered by a contract of insurance and any such judgement is not satisfied in full within seven days from the date upon which the person or persons in whose favour the judgement was given became or would apart from the provisions of the court (Emergency Powers) Act, 1939, or similar legislation have become entitled to enforce it then M.I.B. will subject to the provisions of Clause 5 and 6 of these presents pay or satisfy or cause to be paid or satisfied to or to the satisfaction of the person or persons in whose favour the judgement was given any sum payable or remaining payable thereunder in respect of the aforesaid liability including taxed costs (or such proportion thereof as is attributable to the aforesaid liability) whatever may be the cause of the failure of the judgement debtor to satisfy the judgement.

2. *Foreign Visitors*—M.I.B. shall take all such measures as the Minister without prejudice to the foregoing provisions of clause I or the provisions of Clause 5 hereof may from time to time require to secure that persons having claims in respect of the death or injury of any person caused by or arising out of the use of motor vehicles by persons making a temporary stay in Great Britain or by persons for whom they may be responsible shall be in no worse position than persons having such claims in respect of death or injury of any person caused by or arising out of the use of motor vehicles by persons permanently resident in Great Britain.
3. *Period of Agreement*—THIS agreement shall be determinable by the Minister at any time or by M.I.B., on two years' notice without prejudice to the continued operation of the Agreement in respect of accidents occurring before the date of termination.
4. *Recoveries*—Nothing in this Agreement shall prevent authorised Insurers or givers of security from providing by conditions in their contracts of insurance or by collateral agreements that all sums paid by them or by M.I.B., by virtue of the Principal Agreement or of these presents in or towards the discharge of the liability of their assured shall be recoverable by them or by M.I.B. from the assured or from any other person.
5. *Conditions Precedent to M.I.B.'s Liability*—(1) The following shall be conditions precedent to M.I.B.'s liability, vide-licet—
  - (a) That notice of the bringing of or intention to bring proceedings against any uninsured person be given to M.I.B. before or within twenty-one days after the commencement of such proceedings.

*Judgement Against all Tort-Feasors*—(b) That if so required by M.I.B. and subject to full indemnity from M.I.B. as to costs the persons bringing the proceedings shall have taken all reasonable steps to obtain judgement against all the tort-feasors responsible for the injury or death of the third party and in the event of a tort-feasor being a servant or agent against his principal.

- (c) *Assignment of Judgement*—That the Judgement or judgements (including such judgement as may be obtained under Paragraph (B) of this Clause) be assigned to M.I.B. or its nominee.
- (2) In the event of any dispute as to the reasonableness of a requirement by M.I.B. that any particular step should be taken to obtain judgement against other tort-feasors it shall be referred to the Minister whose decision shall be final.
- 6. *Exemptions*—CLAIMS arising out of the use of vehicles owned by or in the possession of the Crown in respect of any liability which is required to be covered by a contract of insurance under Part II of the Road Traffic Act 1980 shall be outside the scope of these presents except where any other person has undertaken responsibility for the existence of a contract of insurance under the said Part II (whether or not the person or persons liable be in fact covered by a contract of insurance) or where the liability is in fact covered by a contract of insurance. For the purposes of this Clause a vehicle which has been unlawfully removed from the possession of the Crown shall be taken to continue in that possession whilst it is kept so removed.
- 7. *Domestic Agreement*—FOR the purpose of the efficient expeditious and economical carrying out of certain of the obligations accepted by M.I.B. by these presents an Agreement of even date (hereinafter referred to as "the Domestic Agreement", has been entered into by M.I.B. of the one part and the Insurers of the other part whereby the carrying out of certain of the said obligations is delegated to and accepted by individual Insurers, but it is hereby agreed and declared that nothing in the Domestic Agreement discharges M.I.B. from its obligations to the Minister under these presents.
- 8. *Operation*—THIS Agreement shall not come into operation until the First day of July one thousand nine hundred and forty-six and nothing herein shall affect any claims in respect of any liability which may be incurred by any person, persons or classes of person in respect of the death or bodily injury of any person caused by or arising out of the use of a vehicle on a road on a date prior to the First day of July one thousand nine hundred and forty-six.

IN WITNESS whereof the Minister of Transport has caused his official Seal to be hereto affixed and the Motor Insurers' Bureau has caused its Common Seal to be hereto affixed the day and year first above written.

L.S. The OFFICIAL SEAL of the Minister of Transport was hereunto affixed in the presence of

N. PROCTER-GREGG.

*An Assistant Secretary of the Ministry of Transport duly authorised in that behalf.*

L.S. The Common Seal of Motor Insurers' Bureau was hereunto  
affixed in the presence of

A.J. MAKINS      Guy F. JOHNSON } *Members of the Council.*

C.B. CUTTING, *Secretary.*

## NOTES

The following notes are for the guidance of those who may have a claim on the Motor Insurers' Bureau under the agreement, and of their legal advisers, but they must not be taken as rendering unnecessary a careful study of the agreement itself. Communications on any matters connected with the scheme should be addressed to the Motor Insurers' Bureau whose address is First Floor 107, Cheapside, London E.C.2

1. The Bureau's liability date from 1st July, 1946, Claims arising out of accidents which occurred before that date are excluded from the agreement.

2. If damages are awarded by a Court in respect of death or personal injury arising out of the use of a motor vehicle on a road in circumstances where the liability is required to be covered by insurance under the Road Traffic Acts and such damages or any part of them remain unpaid seven days after the judgement becomes enforceable, the Bureau will pay the unrecovered amount (including taxed costs) to the person in whose favour the judgement has been given against an assignment of the judgement debit.

3. Nothing in the agreement affects the position at law of the parties to an action for damages arising out of the driving of a motor vehicle. The Bureau's liability under the agreement can only arise when the plaintiff has successfully established his case against the tort-feasor or tort-feasors in the usual manner and judgement has been given in his favour. There is, of course, nothing to exclude the acceptance of compensation by the plaintiff under a settlement negotiated between the plaintiff and the alleged tort-feasor or the Bureau.

4. WHERE THERE IS A POLICY—In these cases where it is ascertained by the victim or those acting on his behalf that the liability

under the Road Traffic Acts is covered by a policy of insurance, it will not be necessary for the victim to take any special steps to secure to himself the benefits of the scheme, even though the insurers concerned may be in a position to repudiate liability under their policy for the reason that its conditions have been breached or it was obtained by improper methods, or that due notice of claim has not been given. Insurers will regard their policies as affective so far as road victims are concerned although this is, of course, without prejudice to any rights they may have against their policy holders\*. In cases, therefore, where it is ascertained that there is a policy the insurers should be notified and will proceed to handle the claim in the usual way.

**WHERE THERE IS NO POLICY**—In case where there is no policy or for any reason the existence of policy is in doubt, the victim or those acting on his behalf must notify the Bureau of the claim. It is a condition of the Bureau's liability that it should receive notification before or within 21 days after the commencement of proceedings against the alleged tort-feasor. In practice, however, it will be preferably to notify the Bureau in all cases where the name of the Insurers is not speedily forthcoming.

5. Claims arising out of the use of uninsured vehicles owned by or in the possession of the Crown will in the majority of cases be outside the scope of the Bureau's liability (see clause 6 of the agreement). In such cases the approach should be made to the responsible authority in the usual way. The same benefits in respect of compensation will be afforded by the Crown to the victims in such cases as they would receive were the accident caused by a private vehicle.

6. The liability of the Bureau does not extend to the compensation of any person who may suffer personal damage resulting from the use of a road of a vehicle, the owner or driver of which cannot be traced. The Bureau will not, however, necessarily refuse to act in these cases. Where, in its view, there is reasonable certainty that a motor vehicle was involved and except for the fact that the vehicle, owner or driver cannot be traced, a claim would lie the Bureau will give sympathetic consideration to the making of an ex-gratia payment to the victim, or his dependents.

---

\*To avoid possible misapprehension, it is emphasised that there is nothing in the scheme affecting any obligations imposed on a policy holder or his policy. Policy holders are not released from their contractual obligations to their insurers, although the scheme protects third party victims from the consequences of failure to observe them. For example, the failure of a policy holder to notify claims to his insurers as required by his policy although not affecting a victim's right to benefit under the scheme may leave the policy holder liable to his insurers.

## APPENDIX V

## NEW YORK MOTOR VEHICLE ACCIDENT INDEMNIFICATION CORPORATION

## (PROTECTION AGAINST UNINSURED MOTORISTS INSURANCE)

The Corporation is administered by a Board of Directors consisting of six members, two of whom represent stock insurance company rating organisation members or subscribers; two representing mutual insurance company rating organisation members or subscribers; one representing non-bureau stock insurance companies; and one representing non-stock non-bureau insurance companies.

Every insurance company authorized to write Automobile Liability Insurance in this State must be a member of this Corporation. The Corporation is required to handle, investigate, settle, and pay or administer all claims arising under the coverage provided by this Law. The Bodily Injury Limit, under this Law, is \$10,000/ \$20,000, which is the same as that required by the Compulsory Automobile Insurance Law. The cost of the administration of this Corporation is borne by member insurance companies through assessments levied by the corporation.

Every Automobile Liability Policy issued to cover a vehicle propelled by power and operated on a public highway, and for which insurance is required by Law, must cover bodily injury caused by an uninsured motorist. The coverage is the same (substantially) as that explained earlier in this chapter in connection with the Family Automobile Accident Policy, and the policy must indicate that the Motor Vehicle Accident Indemnification Corporation is the insurer with respect to accidents caused by uninsured motorists. The major differences are: (1) the term Insured does not include any other person occupying an automobile which is not registered in the State of New York while it is used as a public delivery conveyance. (2) no coverage is afforded for an Insured who is injured while operating an automobile in violation of an order of suspension or revocation, nor for any other Insured for recovery under care or loss of services for such injury and (3) an uninsured automobile also includes one for which there is no deposit of cash or securities in the prescribed amounts.

This Law refers to two kinds of persons who are covered thereunder. One is an Insured who is defined as a person covered by a policy, and the other is a Qualified Person who is defined as a Resident of the State who is not an Insured. The term Qualified Person does not include the owner of an uninsured automobile, or his spouse, when a passenger therein. However, it does include Residents of other States having a similar Law, provided that New York Residents have recourse thereunder. For example, New York Residents are eligible for Benefits under the New Jersey Unsatisfied Judgement Law.

Section 167 of the Insurance Law of the State of New York provides that if an insurer disclaims liability or denies coverage for death or bodily injury arising out of a motor vehicle accident in this State, it must give written notice of such action, as soon as reasonably possible, to the Insured, the injured person, or any other claimant.

An Insured or Qualified Person is required to give written notice of a claim to the Motor Vehicle Accident Indemnification Corporation

(116 John Street, New York 38, N.Y.) within 90 days from the date of the accident, or as soon as practicable, and submit, at the same time, an affidavit, stating the cause of action, and against whom such causes of action lies, plus the fact that he intends to make a claim for the injuries sustained. With respect to claims arising out of hit-and-run cases, an Insured, and/or a Qualified Person, must report the accident, within 24 hours after its occurrence, to the police authorities or to a Judge in the vicinity, or to the Commissioner of Motor Vehicles.

Because of the 90-day time limit within which to file a claim, it is imperative that a prospective claimant determine whether or not the other party was insured. This information may be obtained by completing Form FS 25 which should be sent to the Bureau of Motor Vehicles without delay. A nominal fee (15 \$) must accompany each request for the information desired. If the reply which is received from the Bureau of Motor Vehicles indicates that the other party is not insured, a claim should be filed immediately with the Motor Vehicle Accident Indemnification Corporation. Blank forms (FS 25) may be obtained from the Bureau of Motor Vehicles without charge. Many Brokers and Agents file Form FS 25 with every accident report, as a precautionary measure.

If an owner of an uninsured automobile fails to produce satisfactory evidence of financial security within 48 hours after an accident, his automobile may be impounded. If the automobile is not impounded, by the police, the owner is required to store it in a garage, return the registration to the Commissioner of Motor Vehicles, and notify him where the self-impounded automobile is located. In either case, the owner may secure permission (from the Commissioner of Motor Vehicles) to sell the automobile if he furnishes security (to the Commissioner of Motor Vehicles) which is equal to the owner's equity in the automobile or equal to its value.

If the automobile has been impounded, and one year has elapsed from the date of the accident, the Commissioner of Motor Vehicles may sell it at a public sale. The proceeds of such sale may be applied to satisfy the judgment.

The rate for Uninsured Motorists Coverage is \$2 for: (1) each automobile registered in New York, (2) each set of New York Dealer's Plates and (3) each set of New York Transporter's Plates. This rate is subject to Short Rate or Pro Rata Adjustment if coverage is not afforded for a full year. However, the Premium for this coverage is not subject to modification through the application of any rule or rating plan. The Minimum Premium for the period of coverage is \$2 per policy.

Uninsured Motorists Coverage is available (from insurance companies) for accidents outside the state of New York at the rate of \$1 each for (1), (2) and (3) above, subject to a Minimum Premium of \$1 per policy. This is called Voluntary Coverage, and is afforded in the same manner as explained elsewhere in this chapter. This Out-of-State Coverage is also available for a New York Resident who does not own an automobile, provided that such individual is an executive officer, partner, or employee of an Insured under whose policy the coverage is afforded. In this instance, the rate is \$1 per named individual.

which includes his spouse and the relatives of either residing with him. Because the additional premium for country wide coverage is so low, it is the general practice to include this optional Voluntary Coverage automatically.

The Insured may not request suspension of the Uninsured Motorists Coverage (required by Law) applicable to accidents occurring in the State of New York, unless the Basic Bodily Injury Coverage is also suspended. For example, if the use of an automobile is discontinued and the registration plates are returned to the Bureau of Motor Vehicles, the Uninsured Motorists Coverage applicable to accidents occurring in the State of New York may be suspended. If the above coverages are suspended, it is not permissible to retain coverage against accidents occurring outside the State of New York caused by uninsured motorists.

(NOTE—This Law does not apply to Property Damage).



TABLE 1  
Motor Vehicles Accidents in India During 1960—Monthwise Distribution

State	Jan.	Feb.	March	April	May	June	July	August	Sept.	Oct.	Nov.	Dec.	Total
Andhra Pradesh	167	189	175	180	181	165	164	143	140	147	1,988		
Assam ..	67	79	73	67	75	60	33	56	57	66	62	773	
Bihar ..	220	225	198	216	196	168	161	198	194	209	212	2,412	
Bombay (A)	557	617	587	602	567	476	504	560	593	580	681	6,985	
Kerala ..	130	102	118	120	111	124	146	109	112	118	127	148	1,465
Madhya Pradesh (B)	166	142	174	162	181	171	102	100	111	110	138	122	1,679
Madras ..	540	531	583	596	617	675	604	650	572	618	564	585	7,135
Mysore ..	219	243	226	227	248	224	195	218	199	198	205	218	2,620
Orissa ..	101	113	100	107	121	98	79	68	81	102	105	1,144	
Punjab (A)	49	51	57	51	67	55	54	54	78	39	47	60	662
Rajasthan (A)	68	47	51	52	59	51	44	38	45	50	61	54	620
Uttar Pradesh ..	80	80	67	76	82	65	48	63	45	52	63	67	788
West Bengal (C)	467	525	510	499	487	506	407	420	481	434	439	484	5,659
Jammu & Kashmir ..	15	11	5	18	9	7	4	16	5	15	9	3	117
Himachal Pradesh ..	4	8	3	7	6	..	5	6	5	2	5	57	
Delhi ..	383	392	401	370	365	319	330	364	366	425	422	431	4,568
Manipur ..	6	4	10	9	1	3	4	8	4	2	2	3	56
Tripura ..	8	8	7	8	5	8	3	1	7	8	7	6	76
Andaman & Nicobar Islands ..	1	2	1	..	2	2	2	..	1	..	1	14	
Total ..	3,347	3,309	3,389	3,347	3,433	3,312	2,869	3,003	3,063	3,169	3,183	3,394	38,818
Percentage over total ..	8.6	8.5	8.7	8.6	8.5	7.4	7.8	8.2	8.2	8.2	8.8	100.0	

(A) Figures relate to the year 1959.

(B) Figures relate to the year 1958.

(C) Refers to West Bengal districts only excluding Calcutta.

TABLE II  
Motor Vehicle Accidents in India During 1960—Class of Vehicles Involved

State	Motor Cycles	Motor Cycles with side Car	Auto-rickshaws	Auto-cars without trailer	Motor cars with trailers	Motor cars	Jeeps	Motor cabs	Public service vehicles other than motor cabs	Goods vehicles without trailers	Goods vehicles with trailers	Other classes of motor vehicles	Class of vehicles not known	Total	
Andhra Pradesh	..	..	187	6	428	10	43	72	335	671	56	155	19	1,988	
Assam ..	..	..	130	45	25	215	50	64	23	72	31	26	75	17	
Bihar ..	..	..	75	4	6	264	32	161	92	286	1,240	58	103	17	
Bombay (A)	..	..	463	7	24	2,164	8	145	1,036	800	1,977	18	77	91	
Kerala ..	..	..	34	5	50	328	35	86	87	405	347	15	66	7	
Madhya Pradesh (B)	..	..	39	3	5	156	20	68	40	359	853	53	40	43	
Madras ..	..	..	404	48	..	2,005	200	..	805	1,599	1,719	115	175	65	
Mysore ..	..	..	173	10	55	472	10	93	115	553	853	91	164	31	
Orissa ..	..	..	22	..	..	143	11	44	7	92	648	29	20	38	
Punjab (A)	..	..	22	..	..	84	6	..	23	110	301	17	71	23	
Rajasthan (A)	..	..	129	..	..	3	9	59	105	10	258	20	9	14	
Uttar Pradesh ..	..	..	18	2	..	87	7	22	6	177	445	3	12	9	
West Bengal (C)	..	..	(D) 51	..	14	763	..	..	161	160	1,484	3,023(E)	..	257	46
Jammu & Kashmir ..	..	..	9	..	..	..	..	11	1	16	65	..	..	8	
Himachal Pradesh ..	..	..	..	..	..	..	2	..	3	10	41	..	1	57	
Delhi ..	..	..	412	..	433	1,207	..	..	395	1,275	699	..	118	29	
Manipur ..	..	..	5	..	..	2	..	..	7	..	37	..	5	56	
Tripura ..	..	..	..	..	12	..	..	..	..	23	20	3	7	11	
Andaman & Nicobar Islands ..	..	..	1	..	..	..	..	..	1	3	3	4	2	14	
Total ..	2,174	142	621	8,336	448	1,114	2,918	7,554	12,977	497	1,366	671	38,818		
Percentage over total ..	5.6	0.4	1.6	21.5	1.1	2.9	7.5	19.5	33.4	1.3	3.5	1.7	100.9		
Number of vehicles as on 31-3-60 ..	67,461	4,821	2,31,048	25,185	17,729	49,623	1,49,594	33,563	5,79,024						
No. of accidents per 100 vehicles ..	3.4	12.9	3.8	4.4	16.5	15.2	9.0								

(D) Includes motor-cycles with side-cars.

(E) Includes Goods Vehicles with trailers.

(A) Figures relate to the year 1959.

(B) Figures relate to the year 1958.

(C) Refers to West Bengal districts only.

TABLE III  
Motor Vehicle Accidents in India During 1960—Nature of Accidents

Collision with an instance of

(A) Figures relate to the year 1959.  
(C) Refers to West Bengal districts only.

(A) Figures relate to the year 1959.  
(C) Refers to West Bengal districts only.

(B) Figures relate to the year 1958.  
 (D) Includes Cycle rickshaws or others.

(B) Figures relate to the year 1958.  
 (D) Includes Circle richates or other forms of nodel tricole

TABLE IV  
Motor Vehicle Accidents in India During 1960—Primary Causes

State	Fault of driver of motor vehicle other than motor vehicle	Fault of cyclists	Fault of pedestrians	Fault of passengers	Defects in mechanical condition of motor vehicle	Defective road surface	Road berm or soft or defective conditions	Other causes	Causes not known	Total
Andhra Pradesh ..	677	127	223	352	57	87	72	1	50	270
Assam ..	363	45	35	27	172	21	20	10	80	773
Bihar ..	1,224	67	67	435	18	169	47	16	295	47
Bombay (A) ..	1,826	75	429	3,215	42	212	39	4	495	2,412
Kenia, ..	841	51	57	219	57	55	20	3	4	599
Madhya Pradesh (B) ..	1,024	107	25	40	335	16	13	14	143	1,465
Madras ..	4,290	438	614	874	87	286	35	8	135	40
Mysore ..	1,770	95	94	237	30	143	16	4	21	275
Orissa ..	569	41	36	140	12	129	6	13	8	163
Punjab (A) ..	514	42	14	35	5	16	6	5	14	42
Rajasthan (A) ..	482	9	6	19	20	30	15	9	10	7
U.P. ..	662	21	23	41	3	7	1	4	13	662
West Bengal (C) ..										5,659
J. & K. ..	19	..	5	14	4	..	..	19	56	117
Himachal Pradesh ..	33	..	..	1	..	13	3	3	4	57
Delhi ..	526	4	19	31	3	9	3	..	1,848	2,125
Manipur ..	11	..	..	3	3	1	..	38	..	4,568
Tripura ..	40	..	1	4	..	..	8	16	7	56
A. & N. Islands ..	8	..	1	1	..	1	..	..	2	14
Total ..	14,879	1,122	1,654	5,673	381	1,665	299	105	422	3,108
Percentage over total ..	44.9	3.4	5.0	17.1	1.1	5.0	0.9	1.3	11.6	9.4
										100.0

(A) Figures relate to the year 1959. (B) Figures relate to the year 1958. (C) Refers to West Bengal districts. Break up not available.

NOTE (1) The column totals are not likely to tally with grand total on account of lack of details from West Bengal.  
(2) For the purpose of percentages the figures relating to West Bengal have not been taken into account.  
(100 = 38,159).

TABLE V

## Number of Motor Vehicle Accidents in India During 1960—Visibility

State				Day light	Dark	Time not known	Total	
Andhra Pradesh	..	..	..	..	1,432	490	66	1,988
Assam	..	..	..	..	614	139	20	773
Bihar	..	..	..	..	1,762	478	172	2,412
Bombay (A)	..	..	..	..	5,478	1,259	248	6,985
Kerala	..	..	..	..	1,178	275	12	1,465
Madhya Pradesh (B)	..	..	..	..	1,183	366	130	1,679
Madras	..	..	..	..	5,413	1,660	62	7,135
Mysore	..	..	..	..	2,028	485	107	2,620
Orissa	..	..	..	..	910	176	58	1,144
Punjab (A)	..	..	..	..	503	138	21	662
Rajasthan (A)	..	..	..	..	238	350	32	620
Uttar Pradesh	..	..	..	..	597	138	53	788
West Bengal (C)	..	..	..	..	4,049	1,398	212	5,659
Jammu & Kashmir	..	..	..	..	42	9	66	117
Himachal Pradesh	..	..	..	..	..	50	7	57
Delhi	..	..	..	..	3,122	1,348	98	4,568
Manipur	..	..	..	..	51	5	..	56
Tripura	..	..	..	..	45	23	8	76
Andaman & Nicobar	..	..	..	..	10	4	..	14
Total				28,655	8,791	1,372	38,818	
Percentage over total	..	..	..	73.8	22.7	3.5	100.0	

(A) Figures relate to the year 1959.

(B) Figures relate to the year 1958.

(C) Refers to West Bengal districts only.

TABLE VI  
Motor Vehicle Accidents in India During 1960—Road Conditions

State	Built up Area	Unbuilt up area (2)+(3)	Total Cols. (4)	Strain ght road (5)	Bend in road (6)	Inter-sec- tion (7)	Total Cols. (5)+(6) + (7)	Flat road (8)	Hill road (9)+(10)	Total cols. (11)	Hilly road (12)	Wet road (13)	Total cols. (12)+(13)	Surface road			Earth road (17)	Earth of ha (18)	Total Cols. 15+16 17+18
														(2)	(3)	(4)	(5)		
Andhra Pra- desh	1,500	488	1,988	1,374	346	268	1,988	1,887	101	1,988	1,882	106	1,988	577	535	219	1,988		
Assam	507	206	773	467	245	61	773	612	161	773	587	186	773	288	114	205	116	773	
Bihar	2,103	307	2,412	1,899	428	85	2,412	2,227	185	2,412	2,216	196	2,412	322	933	570	278	312	
Bombay (A)	6,533	462	6,983	5,637	694	634	6,983	6,589	196	6,983	6,389	596	6,983	822	4,983	385	4,983	4,983	
Kerala	1,087	324	1,411	1,148	261	56	1,463	1,263	155	1,418	1,258	177	1,463	211	892	61	1,065	1,065	
Madhya Pra- desh (B)	1,268	386	1,679	1,256	366	67	1,679	1,565	114	1,679	1,485	194	1,679	353	551	399	174	1,679	
Madras	5,930	1,145	7,135	5,55	848	732	7,135	6,850	285	7,135	6,556	539	7,135	628	6,029	418	63	7,135	
Mysore	2,382	212	1,144	834	224	86	1,144	1,090	54	1,144	980	184	1,144	506	1,219	433	262	1,144	
Orissa	932	428	234	662	491	141	30	662	514	148	662	650	12	652	542	406	136	1,144	
Punjab (A)	382	233	767	558	162	..	620	392	228	620	239	381	620	521	66	54	662	620	
Rajasthan (A)	10	47	57	10	47	..	57	57	47	57	48	4,568	4,568	12	12	45	57	57	
Uttar Pradesh	2,271	159	4,568	2,046	153	231	4,568	2,380	228	4,568	2,349	+2,171	4,568	1,986	351	11	4,568	4,568	
Himachal Pra- desh	10	47	57	10	47	..	57	57	47	57	48	+2,171	4,568	239	257	47	788	788	
Delhi	40	36	76	45	31	1	76	42	34	76	33	21	76	38	23	11	76	76	
Manipur	8	48	56	50	5	1	56	43	43	56	56	56	56	56	4	56	56	56	
Tripura	40	36	76	45	31	1	76	42	34	76	33	21	76	38	23	11	76	76	
A. & N. Islands	13	1	14	7	6	1	14	11	3	14	13	1	14	13	1	14	14	14	
<b>Total</b>	2,298	6,690	33,042	23,913	4,509	4,629	33,042	28,890	4,105	33,042	27,921	5,121	33,042	4,611	18,523	5,838	4,070	33,042	
Percentage ..	79.7	20.3	10.0	72.4	13.6	14.0	100.0	57.7	12.3	100.0	54.5	100.0	54.5	100.0	14.0	50.0	17.7	12.3	100.0

(A) Figures relate to the year 1959.

(B) Figures relate to the year 1955.

(C) Cases for which break up has not been reported.

Note—The above table does not show the figures relating to West Bengal and Jammu &amp; Kashmir.

TABLE VII

## Motor Vehicle Accidents in India During 1960—Particulars of Drivers—Primarily Responsible

State	Sex			Age			Qualification			Total		
	Male		Female	Sex not reported	Total	Under 21	Not less than 21 years and not above 50 years	Over 50 years	Not known	Unqualifed	Not known	Total
	State	Male	Female	Sex not reported	Total	Under 21 years	Not less than 21 years and not above 50 years	Over 50 years	Not known	Unqualifed	Not known	Total
Andhra Pradesh	..	..	..	1,778	64	32	1,874	195	4,506	68	105	1,874
Assam	..	..	..	340	23	..	363	160	193	10	363	63
Bihar	..	..	..	1,204	20	..	1,224	133	988	34	69	1,224
Bombay (A)	..	..	..	1,656	11	159	1,826	45	1,497	35	246	1,826
Kerala	..	..	..	1,327	25	12	1,364	58	1,156	88	42	1,344
Madhya Pradesh (B)	..	..	..	996	22	6	1,024	125	722	54	123	1,024
Madras	..	..	..	4,045	105	140	4,290	236	3,739	167	128	4,290
Madras	..	..	..	1,683	70	17	1,770	145	1,418	73	134	1,770
Madras	..	..	..	540	28	1	569	14	413	10	32	569
Orissa	..	..	..	481	16	17	514	44	440	24	6	514
Punjab (A)	..	..	..	224	139	119	482	129	247	51	55	482
Rajasthan (A)	..	..	..	617	24	21	662	32	488	15	127	662
Uttar Pradesh	..	..	..	33	..	..	33	..	..	..	33	33
Himachal Pradesh	..	..	..	2,070	10	2,479	4,568	36	714	12	3,806	4,568
Delhi	..	..	..	11	..	..	11	..	..	..	11	11
Manipur	..	..	..	8	..	..	8	..	..	..	8	8
Andaman & Nicobar Islands	..	..	..	..	..	..	..	..	..	..	..	..
Total	..	17,013	566	3,003	20,582	1,352	13,593	744	4,873	20,562	14,224	1,798
Percentage	..	..	82.7	2.7	14.6	100.0	6.6	66.1	3.6	23.7	100.0	69.2
												22.1
												100.0

(A) Figures relate to the year 1959.

(B) Figures relate to the year 1958.

NOTE (1) It appears that Andhra Pradesh, Kerala and Delhi have taken into account all the drivers involved in accidents, whether on account of their own faults or due to other causes.

(2) The figures are exclusive of the figures from West Bengal, Jammu & Kashmir and Tripura.

TABLE VIII

## Motor Vehicle Accidents in India During 1960—Responsibility of Drivers of Motor Vehicles

State		Intoxicated	Fell asleep	Speeding	Related other provisions of the 10th Schedule of the Act	Failed to stop after or report accident	Total
Andhra Pradesh	..	32	126	968	644	104	1,874
Assam	..	106	32	200	13	12	363
Bihar	..	50	50	597	347	180	1,224
Bombay (A)	..	15	32	649	706	424	1,826
Kerala	..	6	51	742	127	58+80	1,064
Madhya Pradesh (B)	..	121	63	669	78	93	1,024
Madras	..	29	314	1,666	1,905	376	4,290
Mysore	..	14	19	1,241	420	76	1,770
Orissa	..	17	8	339	140	65	569
Punjab (A)	..	18	65	285	69	77	514
Rajasthan (A)	..	122	107	129	72	52	482
Uttar Pradesh	..	8	52	480	99	23	662
Himachal Pradesh	..	..	..	33	..	..	33
Delhi	..	12	12	154	12	4	194
Manipur	..	..	1	..	10	..	11
Andaman & Nicobar Islands	..	1	..	6	1	..	8
Total	..	551	932	8,158	4,643	1,624	15,908
Percentages	..	3.5	5.8	51.3	29.2	10.2	100.0

(A) Figures relate to the year 1959.

(B) Figures relate to the year 1958.

NOTE—The figures are exclusive of the figures from West Bengal, Jammu &amp; Kashmir and Tripura.

TABLE IX

*Motor Vehicle Accidents in India During 1960—Age of the Motor Vehicle Involved*

	State		Age not more than 5 years	Age 5 years or more	Age not known	Total
Andhra Pradesh	..	..	630	970	388	1,988
Assam	..	..	152	204	417	773
Bihar	..	..	864	907	641	2,412
Bombay (A)	..	..	1,522	4,145	1,318	6,985
Kerala	..	..	553	698	195	1,446
Madhya Pradesh (B)	..	..	441	605	633	1,679
Madras	..	..	3,163	3,162	810	7,135
Mysore	..	..	955	552	1,113	2,620
Orissa	..	..	344	641	159	1,144
Punjab (A)	..	..	193	120	349	662
Rajasthan (A)	..	..	359	157	104	620
Uttar Pradesh	..	..	118	174	496	788
Himachal Pradesh	..	..	24	24	9	57
Delhi	..	..	135	102	4,331	4,568
Tripura	..	..	2	12	62	76
Andaman & Nicobar Islands	..	..	5	5	4	14
	Total	..	9,460	12,478	11,029	32,967
Percentage	..	..	28.7	37.8	33.5	100.0

(A) Figures relate to the year 1959.

(B) Figures relate to the year 1958.

Note—The figures are exclusive of the figures from West Bengal, Jammu & Kashmir and Manipur.

TABLE X

*Motor Vehicle Accidents in India During 1960—Overloading, left Hand Steering, Mechanical Defects Etc.*

State	Over-loaded	Left-hand steering	Defective brakes	Defective steering	Insufficient or no light	Puncture or burst	Other serious or mechanical defects	Total
Andhra Pradesh	66	49	59	39	10	15	136	365
Assam	373	76	65	22	35	35	15	621
Bihar	175	44	92	17	9	11	40	388
Bombay (A)	39	151	101	22	7	27	55	402
Kerala	59	17	45	19	15	12	71	238
Madhya Pradesh (B)	73	120	129	69	59	20	58	528
Madras	50	14	134	36	17	30	69	350
Mysore	121	89	36	43	7	14	43	353
Orissa	90	72	72	31	14	51	73	403
Punjab (A)	4	4	4	2	3	3	4	24
Rajasthan (A)	39	53	8	7	9	3	3	122
Uttar Pradesh	5	8	39	7	1	1	7	67
Himachal Pradesh	...	...	5	...	...	2	6	13
Delhi	4	10	12	3	2	2	...	33
Tripura	2	...	6	1	...	3	3	15
Andaman & Nicobar Islands	...	...	...	...	...	...	1	1
Total	1,100	707	798	318	187	229	584	3,923
Percentage	28.0	18.0	20.3	8.1	4.8	5.8	15.0	100.0

(A) Figures relate to the year 1959.

(B) Figures relate to the year 1958.

Note—Figures are exclusive of the figures from West Bengal, Jammu & Kashmir and Manipur.

TABLE XI

*Motor Vehicle Accidents in India During 1960—Particulars of Fitness of Transport Vehicles Primarily Involved in Accidents*

State	In the case of transport vehicles only				Total		
	Certifi- cate of fitness in force	Certifi- cate of fitness not in force	Particular of certificate of fitness not known				
Andhra Pradesh	..	..	..	619	119	147	885
Assam	..	..	..	65	75	12	152
Bihar	..	..	..	1,380	75	221	1,676
Bombay (A)	..	..	..	3,224	38	613	3,875
Kerala	..	..	..	515	73	181	769
Madhya Pradesh (B)	..	..	..	436	359	515	1,310
Madras	..	..	..	3,805	64	369	4,238
Mysore	..	..	..	1,334	56	225	1,612
Orissa	..	..	..	744	27	8	776
Punjab (A)	..	..	..	182	8	261	451
Rajasthan (A)	..	..	..	237	25	38	300
Uttar Pradesh	..	..	..	144	18	469	631
Jammu and Kashmir	..	..	..	46	2	..	48
Himachal Pradesh	..	..	..	54	..	..	54
Delhi	..	..	..	20	..	2,807	2,827
Tripura	..	..	..	55	1	20	76
Andaman & Nicobar Islands	..	..	..	11	..	..	11
	Total	..	12,835	940	5,886	19,661	
Percentage	..	..	..	65.3	4.8	29.9	100.0

(A) Figures relate to the year 1959.

(B) Figures relate to the year 1958.

Note.—Figures are exclusive of the figures from West Bengal and Manipur

TABLE XII

Motor Vehicle Accidents in India During 1960—Particulars of Pedestrians or Other Persons Involved

State	Pedestrian			Pedestrian			Pedestrian			Pedestrian		
	Under 15 years	15 years to 60 years	Over 60 years	Total	an, deaf	blind, or	an walking	along	an cross-	mounting	or alight-	Person
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	
Andhra Pradesh	..	..	222	529	36	787	80	329	270	42	66	787
Assam	..	..	253	274	75	602	41	287	240	34	..	602
Bihar	..	..	196	538	114	848	40	513	225	70	..	848
Bombay (A)	..	..	919	2,336	131	3,386	57	471	2,782	20	56	3,386
Kerala	..	..	193	537	70	800	18	332	159	43	248	800
Madhya Pradesh (B)	..	..	168	180	40	388	31	202	130	25	..	388
Madras	..	..	748	1,085	95	1,928	106	805	946	69	..	1,928
Mysore	..	..	186	769	21	976	18	509	169	59	221	976
Orissa	..	..	34	104	2	140	2	86	38	14	..	140
Punjab (A)	..	..	57	151	17	225	1	77	95	52	..	225
Rajasthan (A)	..	..	43	79	37	159	7	24	124	4	..	159
Uttar Pradesh	..	..	97	240	24	361	88	185	53	35	..	361
West Bengal	..	..	328	1,095	(C)	1,423	..	974	422	27	..	1,423
Himachal Pradesh	..	..	..	..	1	3	..	..	..	..	3	3
Delhi	..	..	16	15	..	31	..	12	19	..	..	31
Manipur	..	..	5	30	..	35	29	3	..	3	..	35
Tripura	..	..	2	3	..	5	..	1	4	..	..	5
Andaman & Nicobar Islands	..	..	3	..	3	..	2	1	..	..	..	3
<b>Total</b>	..	3,467	7,970	663	12,100	518	4,812	5,679	497	594	12,100	
<b>Percentage</b>	..	28.7	65.9	5.4	100.0	4.3	39.8	46.9	4.1	4.9	100.0	

(A) Figures relate to the year 1959.

(B) Figures relate to the year 1958.

(C) Included under Col. (3).

Note—The figures are exclusive of the figures from Jammu &amp; Kashmir.

TABLE XIII  
Motor Vehicle Accidents in India During 1960—Number of Persons Killed

State	On Motor Vehicles						On other Vehicles						Not known	Grand total (6)+(12) +(13)+(14)
	Profes- sional drivers	Other drivers	Riders of motor cycles	Passen- gers other than drivers	Total (2)+(3) +(4)+ (5)	Bul- lock cart drivers or riders	Vehicles drawn by animals other than bullocks	Cyc- lists	Per- sons riding on ani- mals	Rick- shaws and hand carts pullers	Total (7)+(8) +(9)+ (10)+(11)	Pedes- trians		
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)	(15)
Andhra Pradesh ..	42	11	13	89	155	22	2	28	1	2	55	151	17	378
Assam ..	7	7	12	5	31	4	6	..	..	10	135	..	..	176
Bihar ..	67	15	5	192	279	4	10	10	..	4	28	148	35	490
Bombay (A) ..	21	25	13	58	117	8	1	23	1	4	37	306	8	468
Kerala ..	8	3	5	60	76	..	10	1	1	1	12	103	4	195
Madhya Pradesh (B)	27	1	..	90	118	14	5	9	..	6	34	65	37	254
Madras ..	85	5	12	122	224	23	6	45	2	6	82	219	3	528
Mysore ..	44	14	14	166	238	4	2	22	..	1	29	140	39	446
Orissa ..	15	1	3	54	73	2	4	..	..	6	43	1	1	123
Punjab (A) ..	15	4	13	44	76	10	5	47	1	11	74	103	69	322
Rajasthan (A) ..	6	20	121	5	151	5	3	8	4	5	25	6	3	185
Uttar Pradesh ..	8	7	4	23	42	12	6	33	5	6	62	147	4	255
West Bengal ..	16	(C)	3	126	145	6	..	27	..	7	40	265	..	450
J. & K. ..	..	..	..	..	..	..	..	..	..	..	..	37	37	..
Himachal Pradesh ..	3	..	..	13	16	..	..	..	..	..	..	1	..	17
Delhi ..	1	1	4	7	13	2	1	37	..	..	40	101	..	154
Manipur ..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Tripura ..	3	1	..	6	10	..	..	1	..	..	..	..	..	13
A. & N. Islands ..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Total ..	367	115	222	1,060	1,764	112	45	310	15	53	535	1,035	257	4,491
Percentage over grand total	8.2	2.6	5.0	23.8	39.6	2.5	1.0	7.0	0.3	1.2	12.0	43.5	4.9	100.0

(A) Figures relate to the year 1959. (B) Figures relate to the year 1958. (C) Included under professional drivers.

Note—No persons were killed in motor vehicle accidents in Jammu & Kashmir, Manipur and A. & N. Islands.

**TABLE XIV**  
**Motor Vehicle Accidents in India During 1960—Number of Persons Injured Only.**

State	On Motor Vehicles					On other Vehicles					Not known (6)+(12) (13)+(14)	Grand total (6)+(12) (13)+(14)		
	Profes- sional drivers	Other drivers	Riders	Passen- gers (2)+(3) (4)+ (5)	Total Motor Cycle than the drivers	Bul- lock carts	Vehicles drawn by animals	Cy- clists	Per- sons riding on ani- mals	Rick- shaws and hand cart	Pedes- trians			
			(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)
Andhra Pradesh	125	55	374	650	82	17	68	1	63	231	379	18	1,278	
Assam	18	55	133	4	15	120	11	22	161	467	467	1	761	
Bihar	247	73	35	526	875	31	23	74	7	24	159	466	139	1,639
Bombay (A)	236	79	175	935	1,425	91	34	561	3	218	907	4,287	2	6,621
Kerala	96	31	23	722	872	13	5	118	11	26	173	409	80	1,534
Kerala	27	27	432	771	31	26	60	6	14	137	148	102	1,158	
Madhya Pradesh (B)	277	35	1,319	2,102	244	109	577	33	244	1,257	1,534	39	4,932	
Madras	544	91	148	1,278	68	33	104	7	8	280	462	71	2,091	
Mysore	278	59	50	274	535	49	13	38	11	21	121	285	12	935
Orissa	187	59	15	136	217	40	11	49	2	12	114	136	607	
Punjab (A)	41	22	18	325	570	51	7	107	67	106	338	15	5	717
Punjab (A)	38	16	45	372	559	51	7	107	67	106	338	15	5	717
Uttar Pradesh	31	8	4	136	179	34	23	79	4	44	184	214	6	583
West Bengal	32	1,374	1,592	73	10	263	11	315	664	1,158	20	3,434		
J. & K.	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Himachal Pradesh	8	..	..	121	129	2	..	..	..	..	..	..	..	135
Delhi	30	16	62	372	470	36	74	468	1	26	390	336	5	1,610
Manipur	..	..	..	..	..	..	..	..	..	..	..	2	2	
Tripura	..	..	1	1	155	156	..	1	..	..	..	..	..	159
N. & N. Islands	2	..	..	..	..	..	..	..	..	..	..	..	..	6
<b>Total</b>	2,344	570	947	7,885	11,746	849	400	2,760	192	1,137	5,328	10,507	659	38,240
Percentage over grand total	8.3	2.0	3.4	27.9	41.6	3.1	1.4	9.7	0.7	4.0	18.9	37.2	2.3	100.0

(A) Figures relate to the year 1959. (B) Figures relate to the year 1958. (C) Included under professional drivers.

TABLE XV  
Motor Vehicle Accidents in India During 1960—Total Casualties (Persons Injured or Killed).

State	Profes- sional drivers	Other drivers	Riders of Mo- tor cycles	Passen- gers other than the drivers or riders	Total (2)+(3) +(4)+ (5)	Bul- locks parts	Vehicles drawn by animals other than hu- man	Cyc- list s	Per- sons rid- ing on an- imal	Rick- shaws and hand cart pullers	Total 7+8+9 +10+ 11	Pedes- trians	Not known	Grand total (6)+(12) +(13)+ (14)	
Andhra Pradesh	..	167	66	109	463	805	104	19	96	2	65	286	530	35	1,656
Assam	..	25	32	47	60	164	4	19	126	..	22	171	602	..	937
Bihar	..	314	88	40	712	1,154	35	33	84	7	28	187	614	174	2,129
Bombay (A)	..	257	104	188	693	1,542	99	35	584	4	222	944	4,593	10	7,989
Kerala	..	104	34	28	782	948	13	5	128	12	27	185	512	84	1,729
Madhya Pradesh (B)	..	304	36	27	522	889	45	31	69	6	20	171	213	139	1,412
Madras	..	629	96	160	1,441	2,326	267	115	622	85	250	1,339	1,753	42	5,460
Mysore	..	322	73	64	1,057	1,516	72	35	186	7	9	309	602	110	2,687
Orissa	..	202	60	18	328	668	51	13	42	..	21	127	328	13	1,076
Punjab (A)	..	56	31	180	293	50	16	96	3	23	188	239	229	949	..
Rajasthan (A)	..	43	36	356	75	510	56	10	115	71	111	363	21	8	902
Uttar Pradesh	..	39	15	9	158	221	46	29	112	9	50	246	361	10	838
West Bengal	..	202	(C)	35	1,600	1,737	79	10	293	..	322	704	1,423	20	3,884
J. & K.	..	..	..	..	..	..	..	..	..	..	..	..	..	37	37
Himachal Pradesh	..	11	..	134	145	2	..	..	..	..	..	..	2	..	152
Delhi	..	31	17	56	379	483	38	75	505	1	20	639	637	5	1,764
Manipur	..	..	..	..	..	..	..	..	..	..	..	..	2	..	2
Tripura	..	..	3	2	..	161	166	..	..	2	..	..	4	..	172
A. & N. Islands	..	2	..	1	..	3	..	..	..	..	..	..	3	..	6
Total	..	2,711	685	1,169	8,945	13,510	961	445	3,080	207	1,190	5,863	12,442	916	32,731
Percentage over grand total		8.3	2.1	3.6	27.3	41.3	2.9	1.4	9.4	0.6	3.6	17.9	38.1	2.7	100.0

(A) Figures relate to the year 1959.

(B) Figures relate to the year 1958.

(C) Included under professional drivers.

TABLE XVI  
Motor Vehicle Accidents in India

	January	February	March	April	May	June	July	August	Sept.	Oct.	Nov.	Dec.	Total
1955 ..	2,040	1,960	2,048	1,994	2,190	2,103	1,906	1,930	2,021	2,169	2,122	2,263	24,736
1956 ..	2,054	1,996	2,313	2,212	2,390	2,172	1,876	1,994	1,973	2,302	2,310	2,333	25,925
1957 ..	2,686	2,458	2,453	2,571	2,765	2,439	2,377	2,399	2,447	2,683	2,613	2,718	30,509
1958 ..	3,004	2,845	3,027	2,949	3,214	2,926	2,642	2,551	2,681	2,942	2,808	3,050	34,639
1959 ..	3,206	2,956	3,138	2,934	3,325	2,970	2,772	2,737	2,835	2,885	2,994	3,208	36,000
1960 ..	3,347	3,309	3,389	3,347	3,433	3,312	2,869	3,003	3,063	3,169	3,183	3,394	38,818

TABLE XVII  
*Computation of Link Relative Seasonal Index for Motor Vehicle Accidents in India.*

Year	Jan.	Feb.	March	April	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.		
1955	..	..	100.0	95.6	105.0	97.4	109.8	96.0	90.6	101.3	104.7	107.3	97.8	106.6
1956	..	..	90.8	97.2	115.9	95.6	108.0	90.9	86.4	106.3	98.9	116.7	100.3	101.0
1957	..	..	110.8	95.1	99.8	104.8	107.5	88.2	97.5	100.9	102.0	109.6	97.4	104.0
1958	..	..	110.5	94.7	106.4	97.4	109.0	91.0	90.3	96.6	105.1	109.7	95.4	108.6
1959	..	..	105.1	92.2	106.2	94.8	111.8	89.3	93.3	98.7	103.6	101.7	103.8	107.1
1960	..	..	104.3	98.9	102.4	98.8	102.6	96.5	86.6	104.7	102.0	103.5	100.4	106.6
Total	..	621.5	573.7	635.7	588.8	648.7	558.9	544.7	608.5	616.3	648.5	595.1	633.9	
Average	..	..	103.6	95.6	106.0	98.1	108.1	92.0	90.8	101.4	102.7	108.1	99.2	105.7
Uncorrected chain relative	..	100.0	95.60	101.34	99.41	107.46	98.86	89.76	91.02	93.48	101.05	100.24	105.95	108.76
Less trend correction	..	..	0.81	1.63	2.44	3.25	4.07	4.88	5.69	6.51	7.32	8.13	8.95	9.76
Chain relatives corrected for trend	100.00	94.79	99.71	96.97	104.21	94.79	84.88	85.33	86.97	93.73	92.11	97.00	1130.49	
Seasonal Index	..	106.15	100.62	105.84	102.93	110.62	100.62	90.10	90.58	92.32	99.49	97.77	102.97	1200.00



सत्यमेव जयते

## APPENDIX VII

## CURRENT ROAD ACCIDENT REPORT FORM

## I. General—

- (a) Site of accident
- (b) Date of accident
- (c) Day of week
- (d) Time of accident.

## II. Description and Registration Number of Vehicle Primarily Involved—

Number	
(a)	Motor Cycle solo without pillion.
(b)	Motor Cycle with pillion.
(c)	Motor Cycle with side car.
(d)	Motor car without trailer.
(e)	Motor car with trailer.
(f)	Motor cab.
(g)	Public service vehicle other than Motor cab.
(h)	Goods vehicle without trailer.
(i)	Goods vehicle with trailer.
(j)	Other Class of Motor Vehicle (describe).
(k)	Class of vehicle not known.
(l)	Registration number.

TOTAL

## III. Nature of Accident—

(a) Collision with or avoidance of:—	
(i)	Other motor vehicle (including road roller) (describe).
(ii)	Tram car.
(iii)	Cyclist.
(iv)	Cycle rickshaw or other form of pedal tricycle.
(v)	Bullock cart.
(vi)	Vehicle drawn by animals other than bullocks.
(vii)	Rickshaw other than tricycle rickshaw or handcart.
(viii)	Pedestrian.
(ix)	Animal ridden.
(x)	Animal loose.
(xi)	Tree.
(xii)	Train at unguarded level crossings.
(xiii)	Level crossing gates.
(xiv)	Other fixed object (describe).

**Road Accident Report—**

- (b) Other kind of accident:—
  - (i) Overturning.
  - (ii) Other than overturning. (describe).

**IV. Primary Cause of Accident—**

- (a) Fault of driver of motor vehicle.
- (b) Fault of driver of vehicle other than a motor vehicle.
- (c) Fault of cyclist.
- (d) Fault of pedestrian.
- (e) Fault of passenger.
- (f) Defect in mechanical condition of motor vehicle.
- (g) Defective road surface.
- (h) Road berm soft or defective.
- (i) Result of weather conditions (e.g. mist, fog, heavy rain, strong wind, dust storm etc.).
- (j) Other cause.
- (k) Cause not known.

**V. Light Conditions—**

- (a) Daylight.
- (b) Dusk.
- (c) (i) Dark with good street light.
- (ii) Dark with poor street light.
- (iii) Dark with no street light.

**VI. Road and Traffic Conditions—****I. Road Conditions:—**

- (a) (i) Built up area.
- (ii) Unbuilt up area.
- (b) (i) Straight road.
- (ii) Bend in road.
- (iii) Intersection.
- (c) (i) Flat road.
- (ii) Hill road.
- (d) (i) Dry road.
- (ii) Wet road.
- (e) (i) Surfaced road.
  - (A) Concrete.
  - (B) Black topped.
  - (C) Metalled.
- (ii) Earth or Kutcha road.

2. *Traffic conditions—*

- (a) (i) Dense traffic.
- (ii) Light traffic.
- (iii) Moderate traffic.
- (b) (i) Controlled junction.
- (ii) Uncontrolled junction.

VII. *Responsibility of Driver of Motor Vehicle Primarily Concerned—*

- (a) Sex.
- (b) Age.
- (c) How long driving (years).
- (d) (i) Qualified.
- (ii) Unqualified.
- (iii) Qualification not known.
- (e) Intoxicated.
- (f) Asleep or inattentive.
- (g) Speeding.
- (h) Violated other provisions of the tenth schedule to the Act.

VIII. *Particulars of Motor Vehicle Primarily Concerned—*

- (a) Age of vehicle.
- (b) Overloaded.
- (c) Defective brakes.
- (d) Defective steering.
- (e) Puncture or burst.
- (f) Other serious mechanical defects (describe).
- (g) Left hand steering.
- (h) In the case of transport vehicle only.

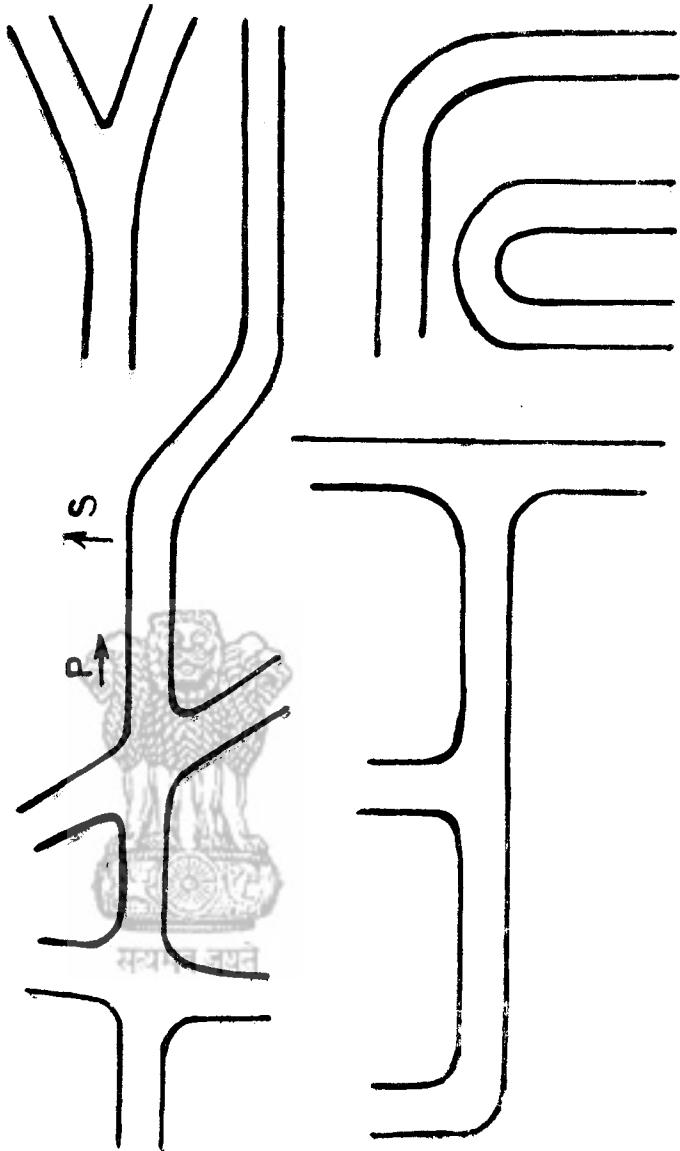
Particulars of certificate of fitness including date of issue and expiry and by whom issued.

IX. *Responsibility of Pedestrian or Other Person Involved—*

- (a) Pedestrian's age.
- (b) Pedestrian deaf, blind or otherwise infirm.
- (c) Pedestrian walking along road.
- (d) Pedestrian crossing or running into road.
- (e) Person mounting or alighting from vehicle.
- (f) Pedestrian intoxicated.
- (g) Pedestrian's view obstructed.
- (h) Pedestrian confused by traffic.
- (i) Child playing on roadway.
- (j) Person standing and talking in roadway.

NAME

ADDRESS



<i>Killed</i>	<i>Injured</i>
---------------	----------------

**X. Casualties—Persons—**

- (a) On motor vehicle.
  - (i) Professional driver.
  - (ii) Other driver.
  - (iii) Rider of motor cycle.
  - (iv) Passengers other than driver or rider.
- (b) On other vehicle (including both driver and passengers).
  - (i) Bullock cart.
  - (ii) Vehicle drawn by animals other than bullocks.
  - (iii) Cyclist.
  - (iv) Person riding on animal or car.
  - (v) Rickshaw or handcart puller.
- (c) Pedestrian.
- (d) Not known.

Total of (a) to (d). \_\_\_\_\_

**XI. Were the motor vehicle (s) involved covered by insurance to the extent required by the Motor Vehicle Act 1939?**

**XII. Brief description of accident including cause.**

**XIII. Result of investigation and Court proceedings where known.**

*Instructions for filling in the Road Accident Report Form*

Except where specific information is required e.g. the age of the driver, or the date of the accident etc. It will be sufficient if the word "Yes" is written ONLY wherever an answer is applicable.

**Site of Accident—**The sketches below represent a number of road situations. If the accident occurred at any situation illustrated in the sketch, mark as near as you can the position and direction of the vehicle or vehicles immediately before the accident with an arrow head and the latter P or S for "Vehicle Primarily" or "Vehicle Secondarily" concerned.

Name \_\_\_\_\_

Address \_\_\_\_\_

## APPENDIX VIII

## (A) MOTOR VEHICLE DEATHS IN THE UNITED STATES BY TYPE OF ACCIDENT, 1913 TO 1962

Year	TOTAL DEATHS	Deaths from collisions with							Deaths from non- collis- on Acci- dents
		Pedes- trians	Other Motor Vehicles	Rail- road Trains	Street Cars	Bicy- cles	Animal drawn veh. or Animal	Fixed objects	
1913-17 ..	6,800	**	**	**	**	**	**	**	**
ave									
1918-22 ..	12,700	**	**	**	**	**	**	**	**
ave									
1923-27 ..	21,800	**	**	1,200*	480	**	**	**	**
ave									
1928-32 ..	31,050	12,300	5,700	1,805	450	**	**	700	9,100
ave									
1933 ..	31,363	12,840	6,470	1,437	318	400	310	900	8,680
1934 ..	36,101	14,480	8,110	1,457	332	500	360	1,040	9,820
1935 ..	36,369	14,350	8,750	1,587	253	450	250	1,010	9,720
1936 ..	38,089	15,250	9,500	1,697	269	650	250	1,060	9,410
1937 ..	39,643	15,500	10,320	1,810	264	700	200	1,160	9,690
1938 ..	32,582	12,850	8,900	1,490	165	720	170	940	7,350
1939 ..	32,386	12,400	8,700	1,330	150	710	200	1,000	7,900
1940 ..	34,501	12,700	10,100	1,707	132	750	210	1,100	7,800
1941 ..	39,969	13,550	12,500	1,840	118	910	250	1,350	9,450
1942 ..	28,309	10,650	7,300	1,754	124	650	240	850	6,740
1943 ..	23,823	9,900	5,300	1,448	171	450	160	700	5,590
1944 ..	24,282	9,990	5,700	1,663	175	400	140	700	5,600
1945 ..	28,076	11,000	7,150	1,703	163	500	130	800	6,600
1946 ..	33,411	11,600	9,400	1,703	174	540	130	950	8,900
1947 ..	32,697	10,450	9,900	1,736	102	550	150	1,000	8,800
1948 ..	32,259	9,950	10,200	1,474	83	500	100	1,000	8,950
1949 ..	31,701	8,800	10,500	1,452	56	550	140	1,100	9,100
1950 ..	34,763	9,000	11,650	1,541	89	440	120	1,300	10,600
1951 ..	36,996	9,150	13,100	1,573	46	390	100	1,400	11,200
1952 ..	37,794	8,900	13,500	1,429	32	430	130	1,450	11,900
1953 ..	37,955	8,750	13,400	1,506	26	420	120	1,500	12,200
1954 ..	35,586	8,000	12,800	1,269	28	380	90	1,500	11,500
1955 ..	38,426	8,200	14,500	1,490	15	410	90	1,600	12,100
1956 ..	39,628	7,900	15,200	1,377	11	440	100	1,600	13,000
1957 ..	38,702	7,850	15,400	1,378	13	460	80	1,700	11,800
1958 ..	36,981	7,650	14,200	1,316	9	450	80	1,650	11,600
1959 ..	37,910	7,850	14,900	1,202	6	480	70	1,600	11,800
1960 ..	38,137	7,850	14,800	1,368	5	460	80	1,700	11,900
1961 ..	38,091	7,650	14,700	1,267	5	490	80	1,700	12,200
1962 ..	40,900	7,900	16,500	1,230	0	500	90	1,800	12,900

## CHANGES IN DEATHS

1952-62 ..	+8%	-11%	+22%	-14%	-100%	+16%	-31%	+24%	+8%
1961-62 ..	+7%	+3%	+12%	-3%	-100%	+2%	+13%	+6%	+6%

Source—Deaths are based on data from National Vital Statistics Division, state traffic authorities, and Interstate Commerce Commission.

\*Yearly totals do not quite equal sums of the various types because totals for most types are estimated, and these have been made only to the nearest 10 deaths for some types and to the nearest 50 deaths for others.

\*\*Insufficient data for approximations.

(B) RESIDENCE OF DRIVER IN MOTOR-VEHICLE TRAFFIC ACCIDENTS, 1962

Residence			Fatal Accidents	All Accidents
Total	..	..	100%	100%
Resident of state in which accident happened			88%	93%
Local resident	..	..	64	80
Residing elsewhere in the state	..	..	24	13
Non resident of state	..	..	12	7

Source—Based on reports from 27 state traffic authorities.

58.....ACCIDENT FACTS 1963 EDITION .....

This information is not available by years. Figures in the table are typical, currently.

(C) DIRECTIONAL ANALYSIS, MOTOR-VEHICLE TRAFFIC ACCIDENTS

Location and Movement	State-wide Fatal Accidents	Urban		Rural	
		All Acci- dents	Fatal Acci- dents	All Acci- dents	Fatal Acci- dents
		%	%	%	%
TOTAL ACCIDENTS	..	100·0	100·0	100·0	100·0
PEDESTRIAN	..	19·5	3·8	41·6	1·8
Inter-section	..	5·3	1·5	17·1	0·3
Car—going straight	..	4·6	1·0	15·0	0·3
—turning right	..	0·2	0·2	0·6	*
—turning left	..	0·5	0·3	1·4	*
All others	..	*	*	0·1	*
Non-intersection	..	14·2	2·3	24·5	1·5
Car—going straight	..	13·7	2·1	22·5	1·4
—backing	..	0·3	0·1	1·0	*
All others	..	0·2	0·1	1·0	*
TWO MOTOR VEHICLES	..	37·4	86·6	32·0	59·4
Intersection	..	14·7	40·6	19·8	22·2
Entering at angle	..	10·9	20·0	15·2	9·9
Entering same directions	..				
both going straight	..	0·2	3·7	0·5	0·9
—one turn, one straight	..	0·6	4·6	0·7	4·3
—one stopped	..	0·4	5·5	0·4	3·5
—all others	..	*	0·8	0·1	0·6

## (C) DIRECTIONAL ANALYSIS, MOTOR-VEHICLE TRAFFIC ACCIDENTS—contd.

Location and Movement	State-wide Fatal Accidents	Urban		Rural	
		All Acci- dents	Fatal Acci- dents	All Acci- dents	Fatal Acci- dents
Entering opposite direction	..	<i>a/c</i>	<i>a/c</i>	<i>a/c</i>	<i>a/c</i>
—both going straight	..	0.6	1.3	1.1	0.3
—one left, one straight	..	1.9	4.0	1.7	2.4
—all others	..	0.1	0.7	0.1	0.1
Non-intersection	..	22.7	46.0	12.2	37.2
Opposite dir.—both moving	..	14.5	3.0	5.4	9.0
Same dir.—both moving	..	3.6	8.6	1.5	10.4
One car parked	..	1.4	14.0	2.5	3.1
One car stopped in traffic	..	0.9	11.5	1.6	5.5
One car leaving parked position	..	0.1	2.5	*	1.0
One car entering alley or driveway	1.2	1.9	0.5	4.8	1.5
One car leaving alley or driveway	..	0.6	2.6	0.3	2.3
All others	..	0.4	1.9	0.4	1.1
OTHER COLLISION	..	12.0	4.3	11.2	6.3
Intersection	..	1.8	1.8	4.6	0.9
Collision with-non-motor vehicle	..	0.9	0.9	3.0	0.4
Fixed object in road	..	0.9	0.9	1.6	0.5
Non-intersection	..	10.2	2.5	6.6	5.4
Collision with-non-motor vehicle	..	4.3	0.7	2.2	1.8
—Fixed object in road	..	5.9	1.8	4.4	3.6
NON-COLLISION	..	31.1	5.3	15.2	32.5
Ran-off road	..	27.7	4.0	12.4	27.9
At curve-non-intersection	..	12.2	0.7	4.2	10.9
On str. road-non-intersection	..	13.2	2.2	5.9	14.6
Intersection	..	2.3	1.1	2.3	2.4
Overturned in road	..	1.9	0.3	0.8	2.1
Fell from moving vehicle	..	0.9	0.2	1.0	0.4
Other	..	0.6	0.8	1.0	2.1

Source—Reports of city and state traffic authorities, as follows Urban—645 cities over 10,000 population; Rural—18 states; Statewide—24 States.

\*Less than 0.05.

## (D) ACCIDENTAL INJURIES IN THE UNITED STATES BY SEVERITY OF INJURY, 1959

Severity of Injury	Total*	Motor Vehicle	Public Non-Motor Vehicle	Home	Work
All Injuries*	9,300,000	1,450,000	2,050,000	3,950,000	1,950,000
Deaths ..	91,000	37,800	16,500	26,000	13,800
Non-fatal injuries Permanent impairment†	350,000	1,100,000	2,050,000	3,900,000	1,950,000
Temporary total disabilities ..	9,200,000	120,000	50,000	110,000	85,000
	8,850,000	1,280,000	2,000,000	3,800,000	1,850,000

*Source*—National Safety Council approximations (rounded) based on data from the National Office of Vital Statistics, the U.S. Bureau of Labour Statistics, state industrial commissions, state traffic authorities, state departments of health, insurance companies, industrial establishments and other sources.

\*Duplications between motor-vehicle, work and home are eliminated in the TOTAL column. The All-Injury and Non-fatal Injury figures are the rounded sums of the detailed items.

†The term "permanent impairments" includes both permanent partial and permanent total disability. The above estimates thus include impairments ranging from the permanent stiffening of joint, or a finger amputation, to permanent, complete crippling.

## (E) 1959 ACCIDENT COSTS

## COSTS OF ACCIDENTS IN 1959 were—

Accidental injuries (see table below) ...	... \$ 7,800,000,000
Property damage in motor-vehicle accidents (NSC est) ... ... ... ...	... 2,100,000,000
Fire losses (National Board of Fire Underwriters est.) ... ... ... ...	... 1,047,000,000
Other costs of work accidents ... ... ... ...	... 2,100,000,000
[This is the National Safety Council Approximation of losses, such as property damage, interference with production and time lost by workers other than the injured, resulting from the work accidents].	
TOTAL (rounded) ... ... ... ...	... \$ 13,000,000,000
MOTOR VEHICLE ACCIDENTS ... ... ... ...	... \$ 6,200,000,000

This total includes the \$ 4,100,000,000 estimated cost of injuries and insurance shown in the table below, and the above estimate of \$ 2,100,000,000 property damage.

WORK ACCIDENTS ... ... ... ...	... \$ 4,200,000,000
This total includes the \$ 2,100,000,000 estimated cost of injuries and insurance shown in the table below, and the approximation of \$ 2,100,000,000 for other costs given above.	

## (F) CERTAIN COSTS OF ACCIDENTAL INJURIES 1959

Costs	Total*	Motor-Vehicle	Public Non-Motor-Vehicle	Home	Work
Total*	\$ 7,800,000,000	\$ 4,100,000,000	\$ 850,000,000	\$ 900,000,000	\$ 2,100,000,000
Wage loss	4,000,000,000	1,600,000,000	700,000,000	650,000,000	1,200,000,000
Medical Expense	950,000,000	150,000,000	140,000,000	220,000,000	460,000,000
Overhead cost of insur	2,850,000,000	2,350,000,000	10,000,000	10,000,000	450,000,000

**Source**—See source footnote of table above. "Wage loss" includes loss of wages (or the value of services) due to temporary inability to work, lower wages when returned to work due to permanent partial disability and the present value of anticipated future earnings for permanent total disability or death. "Medical expense" includes doctors' and hospitals' fees. "Over-head cost of insurance" includes all administrative selling and claim settlement expenses for insurance companies and self-insurers. For additional comments, see page 4.

\*See corresponding footnote of table above.

..... ALL ACCIDENTS ..... 13

## (G) ACCIDENTAL INJURIES IN THE UNITED STATES BY SEVERITY OF INJURY, 1960

Severity of Injury	Total*	Motor Vehicle	Public Non-Motor-Vehicle	Home	Work
All Injuries*	9,500,000	1,450,000	2,050,000	4,150,000	1,950,000
Deaths	93,000	38,200	16,500	27,500	13,800
Non-fatal injuries	9,400,000	1,400,000	2,050,000	4,100,000	1,950,000
Permanent impairment†	360,000	120,000	50,000	110,000	85,000
Temporary total disabilities	9,050,000	1,250,000	2,000,000	4,000,000	1,850,000

**Source**—National Safety Council approximations (rounded) based on data from the National Office of Vital Statistics, the U.S. Bureau of Labour Statistics, state industrial commissions, state traffic authorities, state departments of health, insurance companies, industrial establishments and other sources.

\*Duplications between motor-vehicle, work and home are eliminated in the TOTAL column. The All-Injury and Non-fatal Injury figures are the rounded sums of the detailed items.

†The term "permanent impairments" includes both permanent partial and permanent total disability. The above estimates thus include impairments ranging from the permanent stiffening of a joint, or a finger amputation, to permanent, complete crippling.

## (H) 1960 ACCIDENT COSTS

Costs of accidents in 1960 were:—

Accidental injuries (see table below)	...	...	\$ 8,100,000,000
Property damage in motor-vehicle accidents (NSC est.).	...	...	2,200,000,000
Fire losses (National Board of Fire Underwriters est.).	...	...	1,108,000,000
Other costs of work accidents (see page 24)	...	...	2,200,000,000
[This is the National Safety Council approximation of losses, such as property damage, interference with production and time lost by workers other than the injured, resulting from work accidents].			
<b>TOTAL (rounded)</b>	...	...	\$ 13,600,000,000
<b>MOTOR-VEHICLE ACCIDENTS</b>	...	...	\$ 6,500,000,000
This total includes the \$ 4,300,000,000 estimated cost of injuries and insurance shown in the table below, and the above estimate of \$ 2,200,000,000 property damage.			
<b>WORK ACCIDENTS</b>	...	...	\$ 4,400,000,000
This total includes the \$ 2,200,000,000 estimated cost of injuries and insurance shown in the table below, and the approximation of \$ 2,200,000,000 for other costs given above.			

## (I) CERTAIN COSTS OF ACCIDENTAL INJURIES, 1960

Cost	Total*	Motor Vehicle	Public Non-Motor- Vehicle	Home	Work
Total*	\$ 8,100,000,000	\$ 4,300,000,000	\$ 850,000,000	\$ 950,000,000	\$ 2,200,000,000
Wage Loss	4,100,000,000	1,650,000,000	700,000,000	700,000,000	1,200,000,000
Medical ex- pense	1,000,000,000	150,000,000	140,000,000	240,000,000	500,000,000
Overhead cost of insur.	3,000,000,000	2,500,000,000	10,000,000	10,000,000	500,000,000

*Source*—See Source footnote of table above. Wage loss includes loss of wages (or the value of services) due to temporary inability to work, lower wages when returned to work due to permanent partial disability and the present value of anticipated future earnings for permanent total disability or death. Medical expense includes doctors' and hospitals' fees. Overhead cost of insurance includes all administrative, selling and claim settlement expenses for insurance companies and self-insurers.

\*See corresponding footnote of table above.

## APPENDIX IX

ROAD ACCIDENT REPORT FORM RECOMMENDED BY THE  
ECAFE STUDY WEEK

I. Serial No. of accident (to be given by the Bureau Compiling Statistics).

II. General Classification—

- (1) Fatal.
- (2) Serious.
- (3) Slight injury.
- (4) Property accident.

III. Details for Identification—

- (1) District.
- (2) Police Station.
- (3) Accident Number allotted by Police Station.

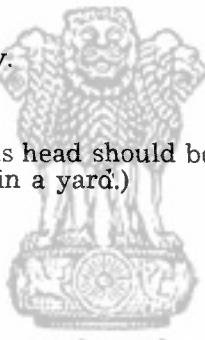
IV. Location—

- (1) Road.
- (2) State Highway.
- (3) National Highway.
- (4) Lane.
- (5) Detailed site.  
(The details under this head should be such as to give precise location within a yard.)

V. Date, Day and Time—

- (a) (i) Date.  
(ii) Month.  
(iii) Year.
- (b) Sunday, Monday, Tuesday, Wednesday, Thursday, Friday, Saturday.
- (c) Time (in hours and minutes from 00 to 24-00 hrs).
- (d) Whether holiday or other special occasion or not—  
Yes/No  
(Describe if yes).

VI. To be filled up by the Inspector.



## VI. Type of vehicles and objects involved—

1. Motor cycle solo without pillion.
2. Motor cycle solo with pillion.
3. Motor cycle with side car.
4. Motor car without trailer.
5. Motor car with trailer.
6. Auto Rickshaw.
7. Jeep.
8. Motor Cab (Taxi).

9. Omnibus (Non articulated).
10. Omnibus (articulated).
11. Other Public Service Vehicle.
12. Goods vehicle without trailer.
13. Goods vehicle with trailer.
14. Articulated goods vehicle.
15. Other class of motor vehicle (describe).
16. Tram Car.
17. Cycle.
18. Cycle Rickshaw or other form of pedal tricycle.
19. Rickshaw other than tricycle rickshaw or handcart.
20. Hand drawn vehicle.
21. Bullock Cart or other Animal drawn vehicle.
22. Class of Vehicle not known.
23. Pedestrian.
24. Animal (Ridden).
25. Animal (Loose).
26. Tree.
27. Train at unguarded level crossing.
28. Level crossing gate.
29. Other fixed object.

#### VII. Classification by use—

- (a) 1. Public carrier.
2. Private carrier.
- (b) 1. Laden but not overladen,
2. Overladen,
3. Not Laden.

#### VIII. Details of vehicles and Drivers involved—

Vehicle No. 1	Vehicle No. 2	Vehicle No. 3
------------------	------------------	------------------

1. Registration Number.
2. Whether insured or not : Yes/No
3. Name and address of owner.
4. Name and address of driver.
5. Age of driver.
6. Sex of driver.
7. Driving experience.
8. Particulars of driving licence.
9. Whether owner driven or not: Yes/No.
10. Hours for which the driver was driving before the accident.
11. Direction of travel.
12. Approximate speed.
13. Whether right hand or left hand drive.

**IX. Nature of Accident—**

- (a) (i) Overturning.
- (ii) Not overturning.
- (b) (1) Non-collision.
- (2) Collision head on
- (3) Collision head to tail
- (4) Collision brush.

**X. Light Conditions—**

1. Day light, 2. Twilight, 3. Dark with good street light, 4. Dark with poor street light, 5. Dark with no street light.

**XI. Weather Conditions—**

1. Fine, 2. Mist, 3. Fog, 4. Light rain, 5. Heavy rain, 6. Hail, Sleet or Snow, 7. Strong wind, 8. Dust Storm, 9. Very hot, 10. Very cold, 11. Other extraordinary weather conditions. (Specify).

**XII. Road Conditions—****(A) Geometry of the road:—**

1. Straight Road, 2. Slight Curve, 3. Sharp curve, 4. Intersection:—

- (a) Y Junction, (b) T Junction, (c) Junction with more than 3 arms, (d) Rotary junction, (e) Rail crossing.

**(B) Nature of the road:—**

1. Flat Road, 2. Gentle incline, 3. Steep incline.

**(C) Type of surface:—**

1. Concrete, 2. Bituminous or Black topped, 3. Metalled or Gravel road, 4. Earth road, 5. Other type of surface. (Specify).

**(D) Condition of Surface:—**

- (i) (a) Dry, (b) Wet.
- (ii) (a) Good Surface, (b) Loose surface, (c) Ruttred and/or Pot holed, (d) Road under repairs, (e) Corrugated or wavy road, (f) Slippery.

**(E) Width of road surface:—****XIII. Traffic Conditions—**

- (A) 1. Dense traffic.
- 2. Moderate traffic.
- 3. Light traffic.

**(B)**

1. Uncontrolled junction.
2. Light controlled junction.
3. Police controlled junction.

**XIV. Surroundings—**

1. Near a school or college.
2. Near or inside a village.
3. Near a factory.
4. Near a religious place.
5. Near a bazar.
6. Near or around industrial area.
7. Other built up area.
8. Area not built up.
9. Narrow bridge or culvert.

**XV. Causes of Accident—**

**(A) Primary cause:—**

1. Fault of driver of motor vehicle involved.
2. Fault of driver of vehicle other than a motor vehicle involved.
3. Fault of cyclist.
4. Fault of pedestrian.
5. Fault of passenger.
6. Defect in mechanical condition of motor vehicle.
7. Defect in road condition.
8. Defect in light condition.
9. Result of weather conditions (e.g., mist, fog, heavy rain, hail, sleet or snow, strong wind, dust storm, very hot or very cold).
10. Other cause.
11. Cause not known.

**(B) Responsibility of the driver:—**

1. Intoxicated or drugged.
2. Exceeded lawful speed.
3. Did not grant right of way to vehicle.
4. Did not grant right of way to pedestrian.
5. Followed too closely.
6. Passed on hill.
7. Passed on curve.
8. Cut in after passing.
9. Other improper passing.
10. On wrong side of road not in passing.
11. Failed to give signal or gave improper signal.
12. Improper turn—wide on side lane.
13. Improper turn—cut corner on out side lane.

14. Improper turn—from wrong lane.
15. Other improper turning.
16. Disregarded police officer.
17. Disregarded stop-and go-light.
18. Disregarded flashing light.
19. Disregarded stop sign.
20. Disregarded warning sign.
21. Improper starting from parked position.
22. Improper parking location.
23. Asleep or fatigued.
24. Inattentive or attention diverted at the moment.
25. Improper use of head lights causing glare.
26. Other improper actions.

**(C) Vehicle defects:—**

1. Over loaded.
2. Load protruding.
3. Defective brakes.
4. Defective steering.
5. Tyre or tube punctured or burst.
6. Other serious defects.

**XVI. What pedestrian or person other than the driver was doing—**

1. Crossing at intersection—with signal.
2. Crossing at intersection—against signal.
3. Crossing at intersection—no signal.
4. Crossing at intersection—diagonally.
5. Crossing at pedestrian crossing.
6. Crossing not at intersection or pedestrian crossing.
7. Coming from behind parked cars.
8. Walking in roadway—With traffic, sidewalks available.
9. Walking in roadway—against traffic, sidewalks available.
10. Walking in roadway—With traffic, sidewalks not available.
11. Walking in roadway—against traffic, sidewalks not available.
12. Pushing or working on vehicle.
13. Other working on roadway.
14. Playing on roadway.
15. Hitching on vehicle.
16. Sleeping or squatting, on the road.

17. Dismounting or mounting stationary vehicle.
18. Dismounting or mounting moving vehicle.
19. Not on roadway (Explain).
20. Other actions (Specify).

#### XVII. Casualties—

1. Pedestrians.
2. Drivers and Passengers of bicycles or tricycles without auxiliary engine.
3. Drivers and passengers of motor cycles or motor bicycles.
4. Drivers and passengers of mechanically propelled road vehicles, other than cycles and motor cycles.
5. Drivers and passengers of animal-drawn vehicles.
6. Riders or drivers of horses or other animals.
7. Other persons.

In column 1 below put one of the seven serial numbers mentioned above according to the type to which the casualty belongs, and bring the appropriate items in Columns 2 to 5.

One S. No. should be used for one person only.

If the total No. of casualties is more than six, a second report form will have to be used.

#### Type of casualties:—

Col. 1	Col. 2	Col. 3	Col. 4		Col. 5
			Type of injuries		
	Sex	Killed	Seriously injured	Slightly injured	
(1) .....	M/F	K	Sr	Sl	
(2) .....	M/F	K	Sr	Sl	
(3) .....	M/F	K	Sr	Sl	
(4) .....	M/F	K	Sr	Sl	
(5) .....	M/F	K	Sr	Sl	
(6) .....	M/F	K	Sr	Sl	

**XVIII. Damage—**

- (1) Damage to motor vehicle involved (in local currency).
- (2) Damage to other property (to be specified by type and also in local currency).

**XIX. Miscellaneous—**

- (A) Brief facts and description of accident.
- (B) Manoeuvres:—

1. Reversing, 2. Stationary, temporarily held up, 3. Parked, 4. Stopping, 5. Starting from near side, 6. Starting from off side, 7. Turning right, 8. Turning left, 9. Turning round, 10. Going ahead, overtaking, 11. Going ahead, not overtaking, 12. Using private entrance.

- (C) Previous convictions or involvement:—

1. Involved for the first time.
2. Previously involved but not convicted.
3. Previously involved and convicted.

- (D) Result of investigation and Court proceedings.

Diagrammatic sketch of accident side, together with photograph if possible.

**XX. Names and addresses of persons killed and injured and witnesses—**

Names of persons	Killed.	Addresses.
	Injured.	
	Witnesses.	

## APPENDIX X

## QUESTIONNAIRE TO BE APPENDED TO FORM A-1 (ACCIDENT REPORT FORM) FOR COMPILATION ALONG WITH THE REPORT

1. Whether the vehicle primarily involved in accident possessed certificate of fitness. Yes or No.
2. If the accident took place on account of fault of driver of the motor vehicle:—
  - (i) Whether he was entitled to drive the class of vehicle he was driving. Yes or No.
  - (ii) The number of years driving experience before the accident took place.
3. *Type of accident:—*
  - (i) Fatal involving injuries to persons also.
  - (ii) Fatal involving property damage also.
  - (iii) Fatal combining (i) and (ii).
  - (iv) Serious involving injuries alone.
  - (v) Serious involving damage to property alone.
  - (vi) Serious combining (iv) and (v).
  - (vii) Minor involving bodily injuries alone.
  - (viii) Minor involving damage to property alone.
  - (ix) Minor combining (vii) and (viii).
  - (x) Minor involving neither injuries nor damage to property.
4. Whether the vehicle was insured. If so, type of cover:—
  - (i) Act Liability.
  - (ii) Act Liability and property damage.
  - (iii) Comprehensive Insurance.

Yes for the appropriate item.
5. *Assessment of damage (in Rs.):—*
  - (i) Damage to motor vehicle(s) involved.
  - (ii) Damage to property.

## APPENDIX XI

## RETURN TO BE COMPILED BY INSURERS.

## Claims and Compensation

Name of Insurance/ Assurance Society Company Co-operative Insurance Society, Government Department  
doing Motor Vehicle Insurance Business. ....

Number of vehicles insured with you as on 31st March, 196—

## Types of Vehicles—

1. Goods Vehicles.
2. Passenger Buses.
3. Cars, Jeeps, Station Wagons etc.
4. Motor Cycles, Scooters etc.

(Please see foot-note before filling the form)

## SECTION I—Amount of Compensation Paid

Type of Insurance	Calcutta Region			Bombay Region			Delhi Region			Madras Region		
	Out of Court	Civil Courts	Motor Accidents	Civil Courts	Out of Court	Civil Courts	Motor Accidents	Civil Courts	Out of Court	Civil Courts	Motor Accidents	Claims Tribunals
1	2	3	4	5	6	7	8	9	10	11	12	13

1. Act Liability.

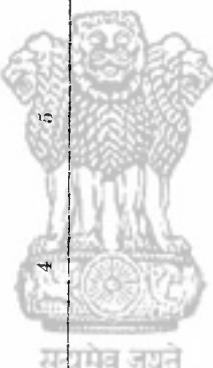
\*2. Full Third Party  
Insurance.

\*3. Comprehensive cover.

\*Exclusive of act liability Claims which will be shown as part of I.

**SECTION II—Number of Claims admitted and Amount of Compensation paid with reference to damages caused.**

Particulars	Calcutta Region			Bombay Region			Delhi Region			Madras Region		
	Number of Claims admitted	Compensation paid										
1	2	3	4	5	6	7	8	9				



1. Accidents causing death

\*2. Injuries alone

\*3. Property damages alone

**Note—**In case of accidents resulting in deaths as well as injuries and/or property damages, if it is not possible to separate the compensation amount paid under three different heads; the total amount may be shown against the item claiming maximum compensation.

SECTION III—*Premiums Collected.*

Type of Insurance	Calcutta Region	Bombay Region	Delhi Region	Madras Region
1	2	3	4	5

1. Act Liability

\*2. Full Third Party Insurance

\*3. Comprehensive cover

---

(1) In how many cases were renewals of Policies refused by you, region-wise (with reasons in the footnote)?

(2) In how many cases were conflicting findings given by criminal courts & Claims Tribunals/Civil Courts (region-wise)?

(3) In how many cases closed during the year did the proceedings take more than 6 months?

NOTE—1. Separate set of forms should be furnished for each class of vehicles, viz. Goods vehicles, passenger buses, cars, jeeps, Station wagons, motorcycles, Scooters etc. in Sections I to III.

2. In case of Govt. Department etc., doing Motor Vehicle Insurance business in their own regions, the statistics may be given in Sections I to III specifying their regions, in place of regions 'Calcutta, Bombay, Delhi and Madras'.

\*Exclusive of Act liability premium which will be shown as part I.

## APPENDIX XII

RETURN TO BE COMPILED BY STATE GOVERNMENTS  
31ST MARCH 19

Name of the State \_\_\_\_\_

## 1. How many vehicles were found plying without paying taxes?

Class of vehicles	Number			
1. Goods vehicles ..	..	..	..	..
2. Passenger Buses ..	..	..	..	..
3. Cars, jeeps, station wagons etc. ..	..	..	..	..
4. Motor Cycles, Scooters etc. ..	..	..	..	..
	Total ..			

## 2. How many vehicles were found plying without proper documents?

Class of Vehicle	Number				
	Without Insurance cover	Without certificate of insurance	Without valid certificate of Insurance	Without certificate of Fitness	Without permit
1. Goods vehicles ..	..	..	..	..	..
2. Passenger buses ..	..	..	..	..	..
3. Cars, jeeps, Station wagons etc. ..	..	..	..	..	..
4. Motor cycles, Scooters, & Auto-rickshaws ..	..	..	..	..	..
	Total ..				

## 3. Cases of accidents in which vehicles involved were not traced and assessment made of damages and injury caused by such accidents?

Particulars of accidents	No. of cases	Assessment of damages and injury (in Rs.)
1. Fatal .. ..	..	..
2. Non-fatal—		
(a) Serious injury .. ..	..	..
(b) Minor injury .. ..	..	..
(c) Property damages only .. ..	..	..
	Total ..	

Note—In cases of accidents resulting in deaths as well as injuries and/or property damages, if it is not possible to separate the assessment under the different heads the total amount **may be** shown against the item claiming maximum assessment.

## APPENDIX XIII

THE INSURANCE ASSOCIATION OF INDIA  
GENERAL INSURANCE COUNCIL TARIFF COMMITTEE

No. MISC(47)/654-III.

Radia House, 6, Rampart Row, Fort, Bombay.  
19th June 1963

K. S. Srinivasan Esq.,  
Deputy Secretary to the Government,  
Department of Transport,  
Ministry of Transport and Communications,  
Central Secretariat, New Delhi.

Dear Sir,

## Motor Vehicles Insurance Committee

1. With reference to the discussions the representatives of Insurers had in Bombay on the 23rd March 1963, with the members of the Motor Vehicles Insurance Committee appointed by Government, I am to inform you that my Committee is the constituted authority of the General Insurance Council of the Insurance Association of India for the purpose of Section 64-O of the Insurance Act 1938, to whom power of control and regulation of rates, advantages, terms and conditions that may be offered by the Tariff member-Insurers in respect of General Insurance business has been delegated. The representatives who attended the above meeting were nominated by the Tariff Committee.

2. While it will not be possible for the Insurance Association, under the Law, to compel all the Tariff Insurers to enter into an agreement with the Government of India on the lines of the Motor Insurers' Bureau in U.K. or otherwise, it may be possible to secure a voluntary agreement to a suitable scheme administered by insurers. In any event the Tariff Committee have jurisdiction only in respect of Tariff Companies and have no power over non-Tariff Companies.

3. A list of all the members of the General Insurance Council (Tariff) can be found in the appendix to our Annual Reports. The following companies are non-Tariff Insurers doing General Insurance Business:—

- (i) Motor Owners' Mutual Insurance Co. Ltd., Belgaum.
- (ii) Northern India Transporters Insurance Co. Ltd., Jullundur City.
- (iii) Northern India Transporters Insurance Co. Ltd., New Delhi.
- (iv) Premier Co. Ltd., Madras.
- (v) Vanguard Insurance Co. Ltd., Madras.
- (vi) National Employers' Mutual General Insurance Association Limited, Bombay.

4. As regards the suggestion to have a Fund or a Scheme whereby the claims of injured third parties in cases where there is no insurance, ineffective insurance or the driver or owner of the vehicle is not traceable, could be met, I am to say that the matter needs very careful thought and investigation before any hasty scheme is adumbrated.

5. If it is widely known that persons having no legal claim to damages will nevertheless be paid compensation from public funds or from an insurers' funds, we fear there will be many frivolous and fictitious claims. Any maimed beggar may be set up by designing crooks to put in a claim for accident injuries. Persons genuinely injured in any accident or on private premises may claim to have been knocked down by an unknown motor vehicle. Such fictitious claims are not unknown in U.K. despite their higher standard of living.

6. You will, no doubt appreciate that the need for such a scheme, mainly arises out of the fact that there is no effective Governmental machinery and procedure to ensure Third Party cover for all motor vehicles. This could probably be achieved to some extent by making Motor Vehicles Taxation payable for the entire year and not for each quarter, so that it is co-terminus with the Motor Insurance Policy which is normally granted for a year at a time.

7. Notwithstanding the objections visualised above, we would assure you of our cooperation in any workable scheme that is designed to give relief in genuine cases where the claim could be legally established if the defendants were known, and to this end, we had already requested the Accident Offices' Association (Overseas) to furnish us with full details of the scheme in force in U.K. and in particular to let us known how contributions are collected from the various British Companies with details of any voluntary agreement that may have been reached by British Companies to meet such claims. The Accident Offices' Association (Overseas) have just replied stating that the preparation of this information is proving to be a lengthy task, but that they hope to be in a position to reply early this month.

8. As regards the fund itself it has been suggested that inasmuch as Government themselves have a responsibility towards injured parties who cannot establish their claims owing to the absence of the defendant or for any other valid reasons, Government should annually contribute half the estimated costs of such a scheme, while the insurers bear the other half by imposing a suitable surcharge on the Motor Premium of each insured vehicle.

Furthermore, as insurance claims are of a highly technical nature, it is essential that insurers should administer the fund. It should be open to the persons administering the fund to seek recovery, from the actual wrongdoer, of the compensation paid to innocent injured third parties.

As regards the Mysore and Kerala Governments which have their own Motor Insurance Department operating as a monopoly within the two states it should not be difficult to persuade them on humanitarian grounds to contribute the same percentage of their motor premium income to the Common all-India Insurers' fund, as may be contributed by other insurance companies operating elsewhere in India.

9. You will appreciate from what has been stated above that my Committee has given serious thought to this question and we shall revert to this matter as soon as we hear from the Accident Offices' Association (Overseas).

Yours faithfully,  
J. P. L. SHENOY  
Secretary

## APPENDIX XIV

THE INSURANCE ASSOCIATION OF INDIA  
GENERAL INSURANCE COUNCIL

## TARIFF COMMITTEE

No. Misc(47)/654-III.

The Secretary to the Government,  
Department of Transport,  
Ministry of Transport and Communications,  
Central Secretariat, New Delhi.

*Radia House, 6, Rampart Row, Fort, Bombay,*  
17th August 1963

*Proposed Motor Insurers' Bureau for India*

Dear Sir,

In continuation of my letter No. MISC(47)/654-III, dated the 19th June 1963 we have given further thought to this matter and have collected the experience of other countries on this subject and also the advices of the Accident Offices' Association (Overseas) giving their experience in U.K. and other Commonwealth Countries.

We are pleased to inform you that we are prepared to organise a Motor Insurers' Bureau for India, broadly on the lines organised in other countries to indemnify innocent injured who have no recourse for compensation/indemnity against injury suffered. We would state that the problem has been dealt with on a voluntary basis in all other countries, with fairness and justice to the public. The bureau will deal with claims in a businesslike manner, with speed and good faith. It is possible to bring the scheme into force at the earliest possible moment, calling for no legislation, through an agreement between the Government and the Insurance' Association of India.

The following are the main features of the proposed India Motor Insurers' Bureau:—

1. *Finance*—The Bureau will undertake to set up its own fund to discharge its obligations to claimants without expecting any contribution from the Government.

2. *Uninsured Vehicles*—The Bureau will make payment provided the injured person obtains a judgment against the owner of the uninsured vehicle.

3. *Ineffective Insurance*—The Bureau will accept the principle, commonly accepted by Bureaus elsewhere, whereby the Insurance Company concerned will make payment of a claim to an innocent third party notwithstanding the fact that the Company can repudiate its legal liability on the ground of fraud, mis-representation, breach of warranty or concealment of material facts or any cause whatsoever.

4. *Hit and run cases (Untraced Motorists)*—The Bureau will not be liable under the proposed agreement with the Government for hit and run cases. However, the Bureau will give an undertaking to Government to make exgratia payments in cases where a person has sustained serious and permanent disablement or has died as a result of injury from a motorist.

*N.B.*—The Cassel Committee on compulsory insurance reported in 1937 that "we have not found it possible to deal with the case of a Third Party injury by a motorist who cannot be traced. In such a

case it is impossible to establish a claim against anyone and in our opinion the grant of a right against the Central Fund would be calculated to lead to such abuses as to render such a course totally unsuitable". It is, therefore, essential to follow the procedure in other countries of keeping such claims outside the purview of the agreement between the Bureau and the Government. In view of the inability ever to bring the alleged negligence of the untraced motorists to the judgment of a court, it is regarded as essential that this part of the functions of the Bureau shall be kept separate from the main undertaking to the Government.

In order to minimise bogus claims we shall provide that claims will be considered by the proposed Bureau, only if the claimant reports the accident to the nearest Police Station and to the nearest Public Hospital (and in exceptional cases to the nearest registered medical practitioner) within 12 hours of the accident.

5. *Stolen vehicles involved in an accident*—If insured, such cases would fall to be dealt with under the 'Insurer concerned' principle. Uninsured vehicles will fall under item (2) above and will be covered by the Bureau.

6. *Mechanical Failure or sudden incapacity of Driver*—As regards compensation to innocent third parties in cases where neither the driver nor the injured person can be held responsible, as for example, mechanical defects developing in vehicle or accidents covered by sudden failure of brakes or accidents caused by sudden heart failure of driver etc., the Bureau will not be liable in law or under the proposed agreement with the Government, but the Bureau would nevertheless be prepared to make ex-gratia payments in deserving cases where facts justify such a course, and notwithstanding the fact that Motor Insurers' Bureaus elsewhere do not cover such cases.

7. *Speedy settlement of claim*—It may be noted that there will be no dilatoriness in the settlement of claims, as under the Agreement the Bureau will themselves make payment if any judgment is unsatisfied within 28 days of the date of the judgment. It will also be the responsibility of the Bureau to ensure that all insurers make prompt payment of all claims for which they are liable.

In order to make the scheme workable and effective the following points need consideration:—

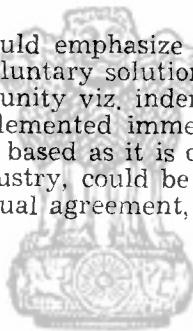
1. Effective enforcement of legislation bearing on the problem viz. Chapter VIII of the Motor Vehicles Act, 1939. Before the M.I.B. was introduced into the United Kingdom, motor insurers were satisfied that a very high proportion viz., 99.9% of all vehicles users were insured as required by the law. It cannot be stressed too often that a Motor Insurers' Bureau is no substitute for effective enforcement of the law, and if there is a substantial proportion of motor vehicles users who are uninsured, as appears to be the case in India, then the real remedy lies in more effective enforcement of the law. To attempt to establish a Bureau when there is a high proportion of uninsured motorists must ultimately result in placing a heavy financial burden, arising from claims against those motorists who ignore the legal requirement to take out insurances, upon the shoulders of law abiding motorists who do take out compulsory insurance.

To promote effective enforcement of the law, we would emphasize the importance of making insurance co-terminus with Motor Vehicles Taxation by issuing of annual or half yearly licences for motor vehicles. It is also necessary to suitably amend section 110 of the Motor Vehicles Act, 1939, requiring a claimant to give notice to the insurers or to the Bureau as the case may be of all proceedings and to enable the Insurers to take up all the defence open to the defendants in their own names.

2. It will be necessary for every insurer, whether Tariff non-Tariff, State Government or Co-operatives, who transact motor insurance, to become a member and be a signatory to this agreement of the Bureau and to fulfil its obligations.

3. It is essential that, as in other countries the scope of the Bureau should be confined to motor accidents and should exclude extraneous objects, such as expenditure on Road Safety measures, road patrols and maintenance, which are legitimate charges on public funds, and we would emphasize the importance of keeping that organisation quite separate and distinct from the Motor Insurers Bureau.

In conclusion we would emphasize that the Insurance Industry in India are offering a voluntary solution to the most important problem faced by the community viz. indemnity to innocent third parties. This could be implemented immediately without legislation. Furthermore, the scheme based as it is on an agreement between the Government and the Industry, could be a flexible one, capable of easy modification by mutual agreement, so as to ensure fairness and justice to the community.



Yours Faithfully,  
J. P. L. SHENOY,  
*Secretary*

**APPENDIX XV**  
**PREMIUM IN RESPECT OF COMPULSORY THIRD PARTY INSURANCE OF MOTOR VEHICLES AS  
 REQUIRED UNDER THE MOTOR VEHICLES ACT.**

Class of Vehicles	Bombay Region		Calcutta Region		Delhi Region		Madras Region	
	1958	1959	1960	1958	1960	1958	1960	1959
Private Cars	10,21,954	10,64,705	11,10,984	9,35,271	9,95,940	11,35,248	4,51,085	5,72,877
Commercial Vehicles	9,87,252	10,23,093	11,68,871	10,39,681	10,61,116	13,43,348	6,07,644	9,16,167
Motor Trade	22,377	36,885	44,725	49,138	49,091	55,642	61,091	61,771
Motor Cycles & Motor Scooters	1,50,938	1,50,995	1,58,723	76,220	76,691	1,10,357	75,581	1,22,842
Total	21,32,521	22,74,778	25,03,303	21,00,310	21,82,838	26,44,595	11,85,411	16,72,657

*Insurance Association of India, Bombay.*

LOSSES IN RESPECT OF COMPULSORY THIRD PARTY INSURANCE OF MOTOR VEHICLES AS REQUIRED UNDER THE MOTOR VEHICLES ACT

Bombay Region		Calcutta Region		Delhi Region		Madras Region	
Amounts paid to							
(a) Drivers and Conductors Party as and other employees who come within the purview of Section 95 of the Act	(b) Third and Conductors Party as and other employees who come within the purview of section 95 of the Act	(a) Drivers and Conductors Party as and other employees who come within the purview of section 95 of the Act	(b) Third and Conductors Party as and other employees who come within the purview of section 95 of the Act	(a) Drivers and Conductors Party as and other employees who come within the purview of Section 95 of the Act	(b) Third and Conductors Party as and other employees who come within the purview of Section 95 of the Act	(a) Drivers and Conductors Party as and other employees who come within the purview of Section 95 of the Act	(b) Third and Conductors Party as and other employees who come within the purview of Section 95 of the Act
Private cars	7,651	1,95,442	14,242	1,12,595	..	1,01,183	298
Commercial vehicles	..	46,082	1,38,398	49,484	1,00,565	51,767	21,976
Motor Trade	..	579	750	..	4,190	600	..
Motor Cycles & Motor Scooters	..	..	731	..	2,672	..	1,311
Total	..	54,312	3,35,321	63,726	2,20,029	..	1,54,861
Private Cars	4,314	1,19,916	14,999	87,641	..	86,780	4,120
Commercial vehicles	..	52,359	1,19,986	59,527	54,188	59,480	13,759
Motor Trade	..	2,205	..	219	182	..	..
Motor Cycles & Motor Scooters	..	..	14,088	..	5,835	..	1,025
Total	..	58,878	2,53,990	74,745	1,48,146	..	1,45,235
Private Cars	3,399	2,88,997	3,794	1960	..	17,879	1,86,014
Commercial Vehicles	..	19,981	90,849	88,684	392	2,30,438	2,555
Motor Trade	..	39	204	71,638	77,454	1,39,006	37,47
Motor Cycles & Motor Scooters	..	232	19,109	5,197	620	6,359	..
Total	..	23,651	3,99,159	80,629	1,67,526	38,023	3,88,412

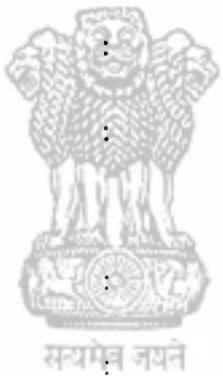
143

## Accident Insurance in New Zealand

Class of Motor Vehicle	Net Premiums received	Claims paid		Estimated Claims Outstanding	
		Arising During Year	Arising During Previous year	Arising During year	Arising During Previous year
1956-57					
Motor cycles ..	.. 48,759	1,985	21,650	32,793	84,215
Private cars ..	.. 729,334	58,667	395,907	597,878	505,993
Business cars ..	.. 154,326	12,793	55,976	138,371	134,719
Goods service vehicles ..	.. 404,047	32,512	197,422	326,942	308,068
Public taxicabs ..	.. 59,423	5,361	30,388	36,399	47,300
Public omnibuses ..	.. 60,803	3,260	18,050	50,855	37,840
Other classes ..	.. 76,863	3,076	40,062	53,250	66,827
Totals ..	.. 1,533,555	117,654	759,455	1,236,488	1,184,086
1957-58					
Motor cycles ..	.. 41,099	2,037	32,741	33,862	52,351
Private cars ..	.. 779,342	74,740	498,627	708,460	644,244
Business cars ..	.. 176,837	20,381	104,257	179,003	204,183
Goods service vehicles ..	.. 398,855	24,845	221,237	332,389	497,850
Public taxicabs ..	.. 51,091	3,450	24,701	33,890	58,314
Public Omnibuses ..	.. 61,661	13,677	26,648	49,645	28,950
Other classes ..	.. 77,509	3,006	42,887	38,764	103,825
Totals ..	.. 1,586,394	142,136	951,098	1,376,013	1,549,717
1958-59					
Motor cycles ..	.. 47,177	710	20,376	21,896	69,796
Private cars ..	.. 812,067	40,519	540,358	748,782	791,710
Business cars ..	.. 188,879	19,764	141,822	231,095	210,598
Goods service vehicles ..	.. 411,787	35,393	229,460	442,682	480,187
Public taxicabs ..	.. 46,578	2,478	31,624	35,509	70,960
Public omnibuses ..	.. 62,370	4,298	17,207	54,440	45,115
Other classes ..	.. 91,541	2,828	43,260	59,150	59,460
Totals ..	.. 1,660,399	105,990	1,024,107	1,593,554	1,727,826

**APPENDIX XVI**  
**INFORMATION REGARDING THE MOTOR VEHICLES THIRD PARTY INSURANCE FUNDS**  
**SET UP BY THE STATE TRANSPORT UNDERTAKINGS**

Name of the State Transport Undertaking	Date on which Fund was established	Total amount credited to the Fund on the date of its establishment	Total No. of claims settled	Claims settled out of Court		Amount in the Fund on 31-8-1961	Remarks		
				No. of claims received	No. of Amount paid				
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
Municipal Transport Service.	1.4.47	Nil	104	100	83,577.48	97	40,260.38	11,67,984.42	
		1.4.52							
		45,000							
		1.4.62							
		20,000							
Assam State Transport ..	1954.55	1,52,815.00	..	..	..	..	..	4,00,000.00	Bombay Municipal Corporation's sanction is awaited. After that State Govt's. sanction for exemption under Section 94 of the M.V. Act, 1939 will be obtained.
B.E.S & T. Undertaking		1,00,000.00							
C.P.T. Services	..	..	..	..	..	..	..	..	..
Delhi Transport Undertaking.	1.4.61	4,00,000.00	2	16,800	2	16,800	2	3,83,200.00	
Gujarat State Road Transport Corporation.	29.7.61	12,00,000.00	..	..	62,848.97	..	..	..	..
Himachal Govt. Transport	1.4.52	Nil	39	39	69,314.00	..	..	..	..
Kerala State Transport ..	1955.56	2,75,873.00	573	407	2,59,732.51	405	2,56,793.17	4,864.44	



C.P.T. Services ..... No fund has been created .....

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
Mandi-Kulu Road Transport Corp.	18.9.59	5,953.30	Nil	Nil	Nil	..	..	26,004.55	Contribution to the fund is Rs. 200 per vehicle P.A. till the limit of Rs. 800 per vehicle is reached.
Maharashtra State Road Transport Corporation.	31.3.49	54,900.00	950	338	3,62,664.71	313	1,32,109.71	12,00,00.00	
Manipur State Transport									Manipur Administration settles the claim.
Mysore State Road Transport Corporation.									Vehicles of Mysore State Road Transport Corporation are insured with the Mysore Govt. Insurance Department.
North Bengal State Transport Corporation.	During 1958-59	6,000.00	..	..	..	..	..	40,000	
Orissa State Transport Undertaking.	1951-52	42,000.00	21	..	1,42,433.00	..	1,42,433.00	2,11,278.00	Paid on the basis of award by officer appointed by the State Government.
Pepsu Road Transport Corporation.	16-10-56	Nil	9	4	5,772.56	..	..	..	73,936.00
Poona Municipal Transport	1950-51	28,280.00	24	5	9,300	5	9,300.00	1,06,490.00	
Punjab Roadways	..	1948-49	Nil	54	26	88,284.81	5	35,477.00	1,67,642.00
Rajasthan State Roadways	1-4-57	No balance on that date.	..	..	..	..	..	33,677.00	No exemption under Section 94 of the Act has so far been received. (on 31-3-61)
U.P. Roadways	..	1-4-62	1,00,000	..	..	..	..	..	..